

THE NATURE OF IOWA TERRITORIAL POLITICS

An abstract of a Thesis by
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The problem. Although a number of works have been done on the history of the Iowa Territorial period, 1838-1846, there are no studies which attempt to analyze the development of politics during this period. The essential purpose of this thesis is to examine the nature of political development, the strength of political activity, the nature and influence of partisan politics, the specific development of politics on the various levels of government, and the relationship between territorial politics and national issues.

Procedure. This study is primarily based on an intensive investigation into all of the original territorial papers available in the Iowa State Department of History and Archives, including the collection of newspapers for this period. Further research was done in the various historical journals which contain material relative to the period. General histories were used to compile cumulative data that had a bearing on political development. This material was then used to develop a narrative history of political development in Iowa Territory.

Findings. Early political activity in Iowa Territory was not well organized and largely emanated from the former political experience of the settlers. Party organization was rather slow and sporadic with the first evidence of development in 1840. Political organization was primarily effected on the local level and was largely concerned with local issues. There is much evidence of the development of local oligarchies during the period. There was a major trend of many experienced politicians dominating the Territorial Council and showing real strength in the House of Representatives. All of the Iowa counties evidenced a rather consistent political party bias. Voting records indicate that partisan politics had a major influence on the development of a Constitution for statehood. The major doctrines of the two parties closely followed national party doctrines except on local issues where personal factions often developed.

THE NATURE OF IOWA
TERRITORIAL POLITICS

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Chapter 1

INTRODUCTION

By 1838, when Congress created the Territory of Iowa, the territorial or colonial system of the United States had evolved into a standardized pattern of federal administration of newly settled areas. That system had as its ultimate goal the full integration of frontier areas into the national political structure. As Professor Earl Pomeroy pointed out in 1944, the territory, as the official unit of American expansion, "carried not only national authority in facilitating settlement, but also American forms and ideas of self-government...." The territory, in Pomeroy's view, was "an omnibus vehicle of American institutions and loyalties."¹ From this federal perspective, the territorial system was a successful experiment in the administration of colonies because that system proved to be an effective means of governing frontier areas and bringing them into the federal Union.

More recent scholarship by Jack Eblin, Kenneth Owens, W. Turrentine Jackson and others has encouraged western historians to go beyond this federal perspective to a "terri-

¹Earl Pomeroy, "The Territory as a Frontier Institution," *Historian*, 7 (1944), 41.

torial perspective" that is more concerned with the character of territorial institutions, the nature and quality of government, and the pattern and framework of political life which the territorial system helped to establish along the borders of frontier settlement. Professor Owens has suggested that from a "territorial perspective" the territorial system was "not primarily a system of colonial administration for expansion of American forms and ideas of government ..." but rather "a system of emerging political relationships in the individual territories." For Owens, territorial government was "fundamentally concerned with allocation of political power and the rewards of power in control over public policy."¹

Jack Eblin, in a recent study of the evolution of the territorial system, has discerned "two overriding characteristics" of territorial government during the period, 1787-1838, a period Eblin calls the "first empire." These were "all-pervasive oligarchic control and local autonomy." Eblin has urged students of western history to study individual territories for the purpose of assessing "the real role of the average people..." and determining the "class

¹Kenneth N. Owens, "Pattern and Structure in Western Territorial Politics," The American Territorial System, ed. John Porter Bloom (Athens, Ohio: Ohio University Press, 1973), p. 163. See also W. Turrentine Jackson, "Indian Affairs and Politics in Idaho Territory, 1863-1870," Pacific Historical Review, 14 (1945), pp. 311-25; and Jack Ericson Eblin, The First and Second United States Empires: Governors and Territorial Government, 1784-1912 (Pittsburgh: University of Pittsburgh Press, 1968), p. 317.

structure and power relationships at all levels of government and the political processes of absorbing or manipulating the voters."¹ In the judgment of Professor Eblin, the operation and significance of territorial government can only be determined by examining the day-to-day operation of the territorial system.

It shall be the purpose of this study to examine and analyze, from a "territorial perspective," the developing patterns and structures of political life in the Territory of Iowa during the period, 1838-1846. Specifically, the author sets out to emphasize the following themes: (1) the nature and dimensions of political activities in the early days of territorial Iowa; (2) the political relationships which arose from the territorial system and which involved the territorial governor, the elected legislature and the units of local government; (3) the origins and development of a "party system" in the Territory of Iowa; (4) the relationship between Iowa territorial politics and the national two-party system; and (5) the involvement of partisan politics in the statehood movement.

Among the primary materials utilized in this study, the most rewarding were legislative journals, territorial newspapers, county histories, the Territorial Papers of the United States, and a collection of Iowa territorial records compiled by Benjamin F. Shambaugh. Unfortunately, fire at the Iowa statehouse destroyed valuable primary materials,

¹Eblin, op. cit., pp. 317-319.

the loss of which has greatly increased the problem of reconstructing Iowa's territorial history.

From the available records the author has compiled a list of all the men who served in the Council and House of Representatives during the territorial period. This compilation appears in the Appendix and records the legislators' political affiliation, occupation, age, county residence and state of origin. This information, which proved to be exceedingly valuable in the preparation of this study, was obtained from county histories, newspapers and historical journals. Also included in the Appendix is a list of Iowa territorial legislators who served in various political positions in the Territory of Wisconsin prior to 1838.

There are certain limitations to this study which should be noted. The analysis of political activity at the local level in territorial Iowa is limited to selected issues which drew the attention of the newspapers and for which sufficient background data was available. Information on county voting patterns and the structure of county politics was incomplete for most counties and altogether missing for certain counties. A full and complete analysis of local politics can only be accomplished by an intensive study of individual counties and, particularly, the local records of each county.

Given the limitations of this project, it is hoped the result will provide an overview of the nature of Iowa territorial politics.

Chapter 2

THE CONSTRUCTIVE PERIOD

It is necessary to trace the origins and development of the Iowa Territory in order to provide a basis from which to describe subsequent governmental organization and political activity. The land which was to be Iowa came into the possession of the United States when it was purchased from the French government in 1803. This vast expanse, known as the Louisiana purchase, was divided in 1804 at the thirty-third parallel. That part south of this line became the Territory of Orleans while the land north of the line was organized as the District of Louisiana. The District of Louisiana included the area north to the British possessions and indefinitely westward. This area embraced the land which was to become Iowa Territory. For purposes of government, this area was placed under the jurisdiction of the Territory of Indiana. Meriwether Lewis and William Clark explored and mapped the northern boundary of this territory on their famous expedition in 1804-06.¹

The result of this attachment to the Territory of Indiana brought the District of Louisiana under the provi-

¹Benjamin F. Shambaugh, Documentary Material Relating to the History of Iowa, I (Iowa City, Iowa: The State Historical Society of Iowa, 1897-1901), p. 19.

sions of the Northwest Ordinance of 1787. These provisions extended to the western area only a skeleton government, since the government of the Territory of Indiana at this time was in the "first stage" of territorial evolution and consisted of a governor, a secretary and three judges.¹

In 1805 the Iowa area was included in the creation of the Territory of Louisiana. This change had little effect on the area since the newly organized territory operated under the same governmental structure as the Territory of Indiana.² In 1812 the Territory of Louisiana was reorganized and called the Territory of Missouri. The political change in this reorganization involved advancement to the "second stage" of territorial development--the addition of a legislative power consisting of a legislative council and an elected house of representatives. Along with the governor, the council was to be appointed by the President.³

The admission of Missouri into the Union in 1821 left the area north of Missouri's northern boundary as an unorganized area considered to be part of the Indian country and governed only by the Constitution of the United States and the Northwest Ordinance. This was to be the status of the Iowa area until 1834, when the boundaries of

¹Ibid. Also, Max Farrand, The Legislation of Congress for the Government of the Organized Territories of the United States, 1789-1895 (Newark, New Jersey: n.n. 1896), pp. 21,2.

²Shambaugh, Documentary History, I, pp. 27-30.

³Farrand, op. cit., pp. 26,7.

the Territory of Michigan were extended to include the area west of the Mississippi River. The act of Congress stated:

That all that part of the territory of the United States bounded on the east by the Mississippi river, on the south by the state of Missouri, and a line drawn due west from the north-west corner of said state to the Missouri river and the White Earth River, falling into the same; and on the north, by the northern boundary of the United States, shall be, and hereby is, for the purpose of temporary government, attached to, and made part of, the territory of Michigan, and the inhabitants therein shall be entitled to rules, and regulations, in all respects, as the other citizens of Michigan Territory.¹

For the purposes of representation and judicial districting, the Iowa district of the Michigan Territory was divided into two counties, Dubuque and Demoline, by the Michigan Territorial Legislature in September of 1834.

The remoteness of the area from the rest of Michigan Territory was an obstacle to effective governmental control or constructive development. However, the settlers of the area west of the Mississippi had already become involved in developing local laws by which to govern themselves.

The magnetic force which had drawn the first settlers to Iowa was not agricultural opportunity but mining interest. Lead mines had been developed in earlier years by Julien Dubuque. Indian attacks had driven the miners across the river and prevented them from returning to the mines until the 1820's when many miners began to cross the Mississippi to recover these mines. It was this migration of

¹Shambaugh, Documentary History, I, p. 76.

settlers which led to the first political activity, of which there is record, in the Iowa area. The arrival of these immigrants created the necessity of some type of law to govern the area.

In June of 1830 a group of five men drew up an instrument of local government. A copy of the adopted code is as follows:

We, a committee, having been chosen to draft certain rules and regulations, by which we, as miners, will be governed; and, having duly considered the subject, do unanimously agree that we will be governed by the regulations on the east side of the Mississippi River, with the following exceptions, to wit:

ARTICLE I That each and every man shall hold two hundred yards square of ground by working said ground one day in six.

ARTICLE II We further agree, that there shall be chosen by the majority of the miners present, a person who shall hold this article, and who shall grant letters of arbitration, on application being made, and that said letter (of) arbitration shall be obligatory on the parties concerned so applying.

To the above, we the undersigned subscribe.

J. L. Langworthy,	Samuel H. ¹ Scoles,
H. F. Lander,	E. M. Urn
James McPheeters,	

This type of activity is one indication of the settlers' desire for political structure on the frontier. In reference to these Articles of Agreement Cyrenus Cole stated: "They are at least evidence of the spirit of self-government that was inherent in the settlers of the West."² Perhaps

¹Frank E. Horack, Government of Iowa (New York: Charles Scribner's Sons, 1921), pp. 22-3.

²Cyrenus Cole, Iowa Through The Years (Iowa City, Iowa: The State Historical Society of Iowa, 1940), p. 104.

the most significant part of this code was the provision for holding land. This was of the utmost importance to the settlers as it related to the basic necessities of their livelihood.

The interim period between the beginning of settlement and the establishment of the territory west of the Mississippi, as part of the Michigan Territory, provided an excellent example of political activity which this author believes to be typical of the entire territorial period; that type of politics might be termed the politics of "immediacy" or "necessity". This period was unique in the sense that there was no organic law in effect over the territory west of the Mississippi. It was immediately recognized that there was the necessity of jurisdiction through either the United States government or one of the territories.

One of the problems which arose during this period was that of law enforcement. The lack of jurisdiction over the area was illustrated by some classic examples of lawlessness and the ensuing battle to prosecute the alleged criminals. One of the most quoted of these examples was a crime committed on May 19, 1834 when one Patrick O'Connor, a lead miner, shot his partner George O'Keaf. Although O'Connor allegedly admitted his guilt, he claimed that he could not be tried for the crime because there was no law in effect over the area. However, the settlers were mutually dependent upon each other for their own protection. Thus a prosecuting attorney and a jury were chosen to try O'Connor for murder.

O'Connor was allowed to pick the actual twelve jurors from a panel of twenty-four men picked by the people of Dubuque. He also chose his own lawyer, who immediately sought to have the case moved to Illinois because he was hopeful of having the case dismissed and O'Connor released on "Habeus Corpus" due to the lack of jurisdiction. When Illinois refused the case, the lawyer made application to the Governor of Missouri for a pardon to be granted. But the Governor of Missouri responded with a refusal on the grounds that he had no jurisdiction over the area, but did refer the case to President Jackson. The President also responded that he had no authority over the matter since the laws of the United States had not yet been extended to the new area. The result was that O'Connor was tried in Dubuque, found guilty of murder, and was sentenced to hang. He was hanged on June 20, 1834.¹

This case was a striking example of the problems faced by western settlers who were not under the direct protection of the Organic Law. But it is also an example of the determination of the settlers to live by the law, even if it had to be a form of vigilante law. It was a situation in which "the law of the people was largely the law of the land."²

¹Two good accounts of the O'Connor case are found in: Cyrenus Cole, A History of The People of Iowa (Cedar Rapids, Iowa: The Torch Press, 1921), pp. 103-133; and William J. Peterson, "Iowa in Michigan," Palimpsest, XVII (March, 1936), pp. 69-78.

²Henry Sabin, The Making of Iowa (Chicago: A. Flanagan Co., 1900), p. 182.

There is little doubt that this case, and others similar to it, had a significant bearing on the decision of Congress to extend the Territory of Michigan to include the area west of the Mississippi.

As indicated, the Iowa District of the Michigan Territory was a judicial district and was divided into two counties for that purpose. Yet in terms of political participation and access to judicial machinery, the Iowa settlers were still isolated and depended alone upon the laws of Michigan Territory and arrangements for the mutual protection of land holdings. Furthermore, there were plans being made for Michigan to be admitted as a State.

Congress recognized the reality of this situation only after receiving numerous appeals for legislation creating a new territory. These appeals to Congress led to an Act to establish Wisconsin Territory which was approved on April 20, 1836. That act was to become effective July 3, 1836.¹ President Andrew Jackson appointed Henry Dodge as the first territorial governor of Wisconsin Territory.

Section four of An Act establishing the territorial government of Wisconsin prescribed:

Previous to the first election, the governor of the territory shall cause the census or enumeration of the inhabitants of the several counties in the territory to be taken and made by the

¹Shambaugh, Documentary History, I, pp. 89,90.
See also: John Porter Bloom, ed., The Territorial Papers of the United States, XXVII (Washington, D.C.: The National Archives and Records Service, General Services and Administration, 1969).

sheriffs of the said counties, respectively, and returns thereof made by said sheriffs to the governor.¹

This census was necessary for apportioning representation to the Wisconsin Territorial legislature. The result of this census was the earliest indication of the Iowa population, but the accuracy of the census is uncertain, due to the remoteness of the area and the lack of organizational structure to carry it out. There were only two sheriffs of the two respective counties to perform this task.

The census taken in Demoine and Dubuque counties indicated a total population of 10,531, of which 4,274 were located in Dubuque County and 6,257 in Demoine County. In Dubuque County there were 1,964 males over 21 and 861 males under 21; the corresponding figures for females in the county were 610 over 21 and 839 under 21.² This information gives some insight into the nature of the population in this frontier region. The numerical predominance of males perhaps is one of the accompanying elements of the settlement of a frontier area. Settlement was often made before families were brought to these new areas.

On the basis of the census the first election was held. Of the thirty-seven members elected to the first

¹Ibid.

²Benjamin F. Shambaugh, ed., The First Census of the Original Counties of Dubuque and De Moine [sic] (Des Moines: The Historical Department of Iowa, 1897), pp. 45-82.

Legislative Assembly of Wisconsin Territory, eighteen were from the area west of the Mississippi. Six of these eighteen served on the Council and the remainder served in the House of Representatives. This election had significance for Iowa political development since three of the men who served on the Council, John Foley, Joseph B. Teas, and Arthur B. Ingram, later served in the Iowa Territorial Assembly. Of the twelve representatives from the Iowa area, five would later serve in the Iowa Territorial Assembly. These men were Loring Wheeler, Hardin Nowlin, Isaac Leffler, Thomas Blair, and John Box.¹ These future leaders of Iowa territorial politics were equally divided between the two parties, four being Democrats and four, Whigs.² It is not clear how these men came to be elected except that they appear to have been prominent and influential men in their communities and were probably sufficiently affluent to afford the time for political involvement. Apparently about half of the eligible voters in Dubuque County voted. The Dubuque Visitor reported that the number of votes polled in the county "exceeded 1,000."³

The very nearly equal population and representation of the two areas, east and west of the Mississippi, would seem to have been a factor in the subsequent creation of the

¹Bloom, Territorial Papers, XXVII, pp. 88,89.

²See listing of the members of the Iowa Territorial Assemblies in Appendix of this paper.

³Dubuque Visitor, October 19, 1836.

Iowa Territory. There was already sentiment alive for such a move. In a speech given at Dubuque on July 4, 1836, Wm. W. Coreil had stated:

The tide of emigration is pouring in upon us so rapidly, that in five or six years we shall doubtless have a sufficient number of inhabitants to form a State, and come into the Union at the same time that the part of Wisconsin on the east side of the Mississippi is admitted.¹

Section seven of An Act establishing the territorial government of Wisconsin provided:

That all township officers and all county officers, except judicial officers, justices of the peace, sheriffs, and clerks of courts, shall be elected by the people in such manner as may be provided by the governor and legislative assembly.²

Since there were only two huge counties in the Iowa area at the time of the birth of Wisconsin Territory, it became a necessity to create smaller counties in order to provide for effective local government.

The first Wisconsin Territorial Legislature accordingly divided Des Moines County into the "counties of Lee, Van Buren, Henry, Louisa, Musketine sic and Cook," which later was named Scott County.³ These divisions were never changed, with the exception of Scott County, the boundary of which

¹Dubuque Visitor, July 13, 1836.

²Shambaugh, Documentary History, I, pp. 89,90.

³Benjamin F. Gue, History of Iowa From the Earliest Times to the Beginning of the Twentieth Century, I (New York: The Century History Company, 1903), p. 175.

was slightly changed when the name was changed.¹ The Second Legislature divided Dubuque County into the counties of Clayton, Fayette, Dubuque, Delaware, Buchanan, Jackson, Jones, Linn, Benton, Clinton, Scott, Cedar, Johnson and Keokuk.² The laying off of these counties did not stir nearly so much interest as did the location of the various county seats. The county seat question was to become an issue between various areas where personal and local interests were at stake. The second session of the Legislature was the scene of an appeal to divide the territory of Wisconsin for the purpose of establishing the Iowa Territory. The issue of creating a new territory was given expression in a memorial sent to Congress as the result of two meetings held in Burlington and Dubuque concurrent with the meeting of the Second Legislature. These meetings were called by Isaac Leffler, a representative from Des Moines County to the Wisconsin Territorial House.³ The memorial to Congress indicated some of the arguments for the creation of a new territory. Among other things, it declared that mail service to the area would be improved. The memorial hinted that the Iowa area had inadequate security under the Wisconsin Territory, and that a new territory was "the only means of immediately

¹Johnson Brigham, Iowa, Its History and Its Foremost Citizens, I (Chicago: S. J. Clarke Publishing Company, 1918), p. 123.

²Ibid., p. 124.

³Bloom, Territorial Papers, XXVII, p. 88.

and fully securing to the citizen, thereof, the benefits and immunities of a government of laws."¹

The delegate to Congress from Wisconsin Territory was George Wallace Jones. On being made aware of the desire of citizens for the division of the territory, Jones offered a petition to this effect. The bill met little opposition in the Senate, but there was serious opposition in the House. The opposition to the creation of the Territory of Iowa is significant since it had direct bearing on subsequent political activity in that Territory. There were various objections to the establishment of a new territory, but the major issue was that of slavery. Since Iowa would no doubt soon become another free state which would upset the balance of slave and free states, southern congressmen opposed the creation of the Iowa Territory. In his biography of George Wallace Jones, John C. Parish gave special attention to this particular issue. He indicated specifically that the most outspoken opponent of the Bill to establish Iowa Territory was John C. Calhoun, Senator from South Carolina. Calhoun was especially fearful that Iowa would some day become a strong abolition state. Jones tried to reassure Calhoun on this point by informing him that he was himself a slave-owner. Calhoun's reply was almost prophetic:

I know, my son, that you are all right on this question, but wait until Western Ohio, New York, and New England shall pour their population into that section, and you will see Iowa some

¹Iowa News (Dubuque), September 30, 1837.

day grow to be the strongest abolition State in the Union. I shall not live to see it, in all probability, but you almost certainly will.¹

Despite the opposition, the bill was passed with a comfortable margin. The bill was signed by President Van Buren on June 12, 1838, to become effective on July 3, 1838.

Section one of An Act to divide the territory of Wisconsin and establish the territorial government of Iowa described the boundaries of the said territory as:

All that part of the present territory of Wisconsin which lies west of the Mississippi river. and west of a line drawn due North from the headwaters or sources of the Mississippi to the territorial line.²

These limits included a greater amount of territory than would be included in the future state of Iowa. Figure I (see Page 18) indicates the area included in Iowa Territory.

The political structure of the new Territory was practically identical to that of the Wisconsin Territory with only minor exceptions. Whereas the Council members in Wisconsin were elected to a term of four years, the provision in Iowa was for two year terms. Representatives had served for two years in Wisconsin but the term was reduced to one year in Iowa. There were also some differences in the provisions for salaries paid to the respective officers. In

¹ John C. Parish, George Wallace Jones, ed. Benjamin F. Shambaugh (Iowa City, Iowa: The State Historical Society of Iowa, 1912), p. 24.

² Shambaugh, Documentary History, I, p. 103.

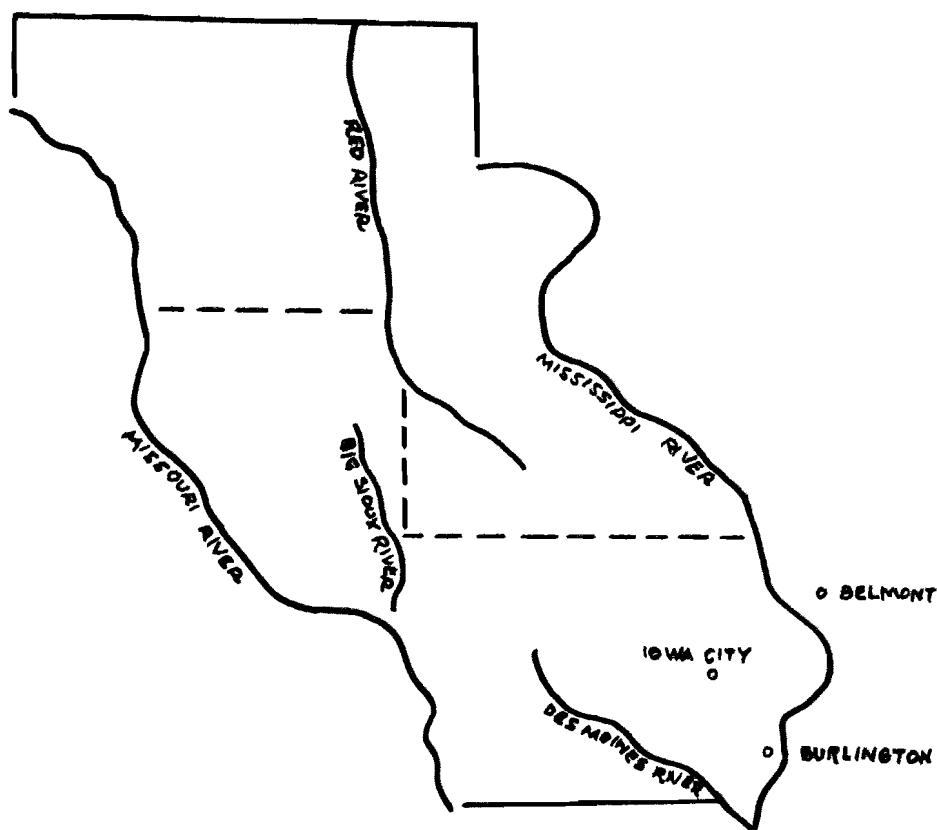


Figure 1

The Territory of Iowa as Surveyed by John Nicollet and John C. Fremont between 1838 and 1841. The Dotted Lines Indicate the Boundaries of the State of Iowa and Parts of North Dakota, South Dakota, and Minnesota.

Wisconsin the governor's salary was twenty-five hundred dollars annually but was reduced to fifteen hundred dollars for the governor of the Iowa Territory. The judges of the Supreme Court in Wisconsin were provided an annual salary of eighteen hundred dollars and the salary for these judges in Iowa was fifteen hundred annually. Whereas the laws of Michigan were extended over Wisconsin Territory at its creation, the laws of Wisconsin were extended over Iowa Territory:

... so far as the same be not incompatible with the provisions of this act, subject, nevertheless, to be altered, modified, or repealed by the governor and legislative assembly of the said Territory of Iowa;¹

These laws and privileges had evolved out of the Ordinance of 1787 which provided for the government of the Northwest Territory and the laws governing the Territory of Michigan.

The provision for offices in the new territory was standard practice in the territories. The governor was to be appointed by the President of the United States for a term not to exceed three years and a Secretary appointed by the President for a term of four years or the discretion of the President. The legislative assembly was to consist of a council of thirteen members with a term of two years and a house of representatives consisting of twenty-six members with a term of one year. The qualified voters of the Territory were to elect the legislative assembly. The qualifications for suffrage were as follows:

... every free white male citizen of the United States, above the age of twenty-one years, who shall have been an inhabitant of said territory at the time of its organization, shall be entitled to vote at the first election, and shall be² eligible to any office within the said territory;

Other officers appointed by the President included the chief justices, associate judges, attorney, and marshall. The offices to be appointed by the governor were "all judi-

¹ Shambaugh, Documentary History, I, pp. 103,4.

² Ibid.

cial officers, justices of the peace, sheriffs, and all militia officers, except those of the staff, and all civil officers not herein provided for."¹ The delegate to the House of Representatives of the United States was to be elected by the qualified voters.²

Three major tasks were left to the governor in the establishment of Iowa's territorial government. First of all, he was to conduct a census by which representative apportionment could be made. Secondly, he was to call an election and direct the same in electing the legislative assembly, and furthermore, he was to appoint the time and place of the first meeting of that assembly. Thirdly, it was his duty to establish the three judicial districts of the territory and assign the appointed judges.³ Other provisions of this Act will be alluded to in later chapters.

In order to have a more complete perspective of the political system under which the Territory of Iowa would develop, it should be understood that the territorial system had undergone significant changes since its original inception. The original form of government developed for the territories was that first established for the Northwest Territory by the Ordinance of 1787. There was no legislature in the first stage, but only a governor and three

¹Shambaugh, Documentary History, I, pp. 103,4.

²Ibid.

³Ibid.

judges with power to adopt laws from the original states.¹

Jack E. Eblin, in The First and Second United States Empires, described this as "First-Stage" or "District Stage" territorial government. He further described the system as a replica of the British colonial system which provided a royal governor with absolute veto powers, but with final responsibility to the Crown.²

At the time of the organization of the Territory of Orleans, the executive power was vested in a governor, a secretary and a council of thirteen, all appointed by the President of the United States. There were no property qualifications for the governor or secretary, but the council members were required to be property holders and residents in the territory one year prior to appointment.³ The first provision for suffrage in the territories was provided for the Mississippi Territory, in 1808, for all free white males of age with the qualification of land ownership of fifty acres or a town lot valued at \$100.00, and territorial residency of one year.⁴

The development of "Second-Stage" government provided for the election of representatives to form the lower

¹Farrand, The Legislation of Congress, pp. 31,32.

²Jack Ericson Eblin, The First and Second United States Empires (Pittsburgh: University of Pittsburgh Press, 1968), p. 48.

³Farrand, op. cit., pp. 21,2.

⁴Ibid., pp. 25,6.

house of the legislative assembly. The house then became responsible for the nomination of the councillors. All of this was under the strict scrutiny and supervision of the governor.¹

Through the intervening years between the original "District-Stage" Territorial government and the establishment of the Territory of Iowa, there were several modifications in the administration of the various territories, not all occurring simultaneously. The council became an elective office; suffrage qualifications were altered to include a greater number of the male population; the governor's veto power was limited; and judicial appointments and structure were altered.² All of these changes and the creation of territories to the time of and including the creation of Iowa Territory were a part of what Eblin describes as the First Empire. By the time of the creation of the Territory of Iowa, the system had become standardized.³

No discussion of the constructive period would be complete without making mention of the basic needs of this new frontier area. The very nature of an unsettled frontier region would suggest certain needs, many of which would become political issues. The lack of roads or established routes, beyond rivers, was a major issue. Who would be

¹Eblin, op. cit., pp. 50,1.

²All of these changes are listed consecutively in the Appendix of Farrand, The Legislation of Congress.

³Eblin, op. cit., pp. 140,141.

responsible for such improvements? Who would receive and benefit from them? There were also the Indians with whom there would be inevitable conflict, particularly since much of the territory was still "Indian country." There was also the matter of land distribution and legal claims. All of these matters, and many more, were to have a direct bearing upon the early political activities of the new territory.

As to the land of Iowa, there was little doubt, from the first settlement, that it would be agriculturally oriented. The very nature of the terrain and natural resources gave hope for agricultural opportunity.¹ One cannot escape the fact that the mind of the pioneer farmer would be reflected in the political activity of the territory from the local level to the legislative level.

The establishment of territorial government certainly did not resolve the Indian problems. In fact, the acquisition of land in Iowa was closely related to the Indian problems. When Iowa became a territory, legal title to Indian lands had only been acquired for a small portion of the territory. Section one of the Organic Law of both the territories of Wisconsin and Iowa had provided the Indians with protection of their lands until such time as they should be ceded to the United States by a legal treaty. The law also provided that the authority to make such treaties

¹A full report of the nature of Iowa and its resources may be found in Isaac Galland, Galland's Iowa Emigrant, ed. William J. Peterson (Iowa City, Iowa: The State Historical Society of Iowa, 1950).

was to rest with the United States government.¹

Since the territorial governor was the Superintendent of Indian Affairs, there was to be a close link between the Indian concerns and the development of the territory. The acquisition of these lands became a political process which linked the needs of the territory to the Congress. The entire territory was not acquired from the Indians until after statehood.

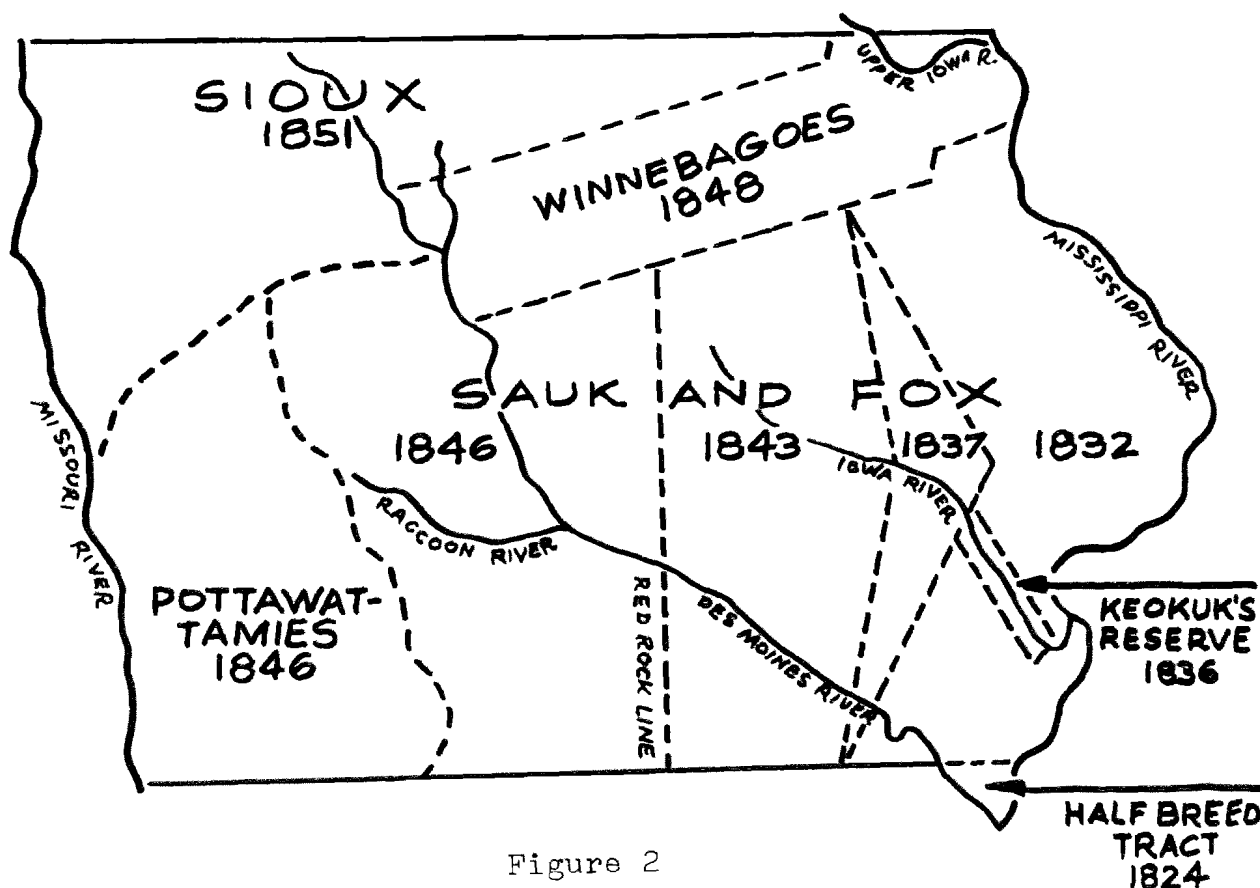


Figure 2

Acquisition of Indian Lands

¹Shambaugh, Documentary History, I, pp. 88,89 and pp. 103,104.

The settlement of land before the establishment of the Territory had left the settlers in an insecure position. Before 1838 these lands were not offered for sale and, legally, the holders of land were labeled as squatters. Thus, there was in the mind of these first settlers one major political concern -- obtaining legal title to that which they already held and had improved.

The above are only representative of some of the political needs of the new territory, but they indicate basic phenomena which would become political issues that were of vital interest to every inhabitant of the territory. They are representative of the nature of the major issues which would come before the legislative assembly and the voters. Every issue before the territory was of vital interest to the individual. In actuality all political activity would revolve around the issues which provided initial survival and security to the pioneer population.

The population of the new territory in 1838 had more than doubled in number since the establishment of Wisconsin Territory in 1836. The population at that time had been 10,531 and according to the census of 1838, the population was 22,859, which represents an annual increase of 47.33%.¹ There is no official census report available which would indicate the origin of the population, but there are sev-

¹John A. T. Hull, Census of Iowa for 1836-1880 (Des Moines, Iowa: F. M. Mills, State Printer, to page 368. Completed by George E. Roberts, State Printer, 1883), p. 168.

eral allusions to origins in other sources. Henry Sabin reported:

The earliest settlers of Iowa came from Southern Ohio, Indiana and Illinois, and from the northerly Southern States. Then followed Pennsylvanians, and Europeans forced out of the Old Country by political trouble. Lastly, New York and New England States sent their people.

Dr. Isaac Galland reported first hand:

-- Almost every State in the Union and many foreign countries are contributing to its population. The States of Ohio, Pennsylvania and New York, are perhaps among the first in affording the greatest number of emigrants; while, at the same time, the Northern States, together with Virginia, Kentucky, Tennessee, &c, are also doing their part in furnishing Iowa with industrious and enterprising citizens.²

The origin of the members of the first legislative assembly would indicate a wide representation of other states. These states of origin, listed in descending numerical representation, were Virginia, Kentucky, Pennsylvania, Ohio, New York, Vermont, and North Carolina, with Connecticut, Maryland, Tennessee, and Illinois being the states of origin for at least one representative or councillor.³ It would be difficult to define accurately the origins of the majority of the first settlers beyond these generalizations. However, these generalizations would indicate that origin may have had a bearing on such issues as slavery, since a

¹Henry Sabin and E. L. Sabin, The Making of Iowa (Chicago, Illinois: A. Flanagan Company, 1900), p. 151.

²Galland, op. cit., p. 4.

³See Appendix of this paper for origin of legislators in Iowa Territory.

majority of the population appear to have come from free states. The first census which included states of origin for the population was in 1850.¹

Thus, the Territory of Iowa was established and the unique problems which were common to the territory laid the foundation for its political activity.

¹Hull, Census of Iowa, pp. 168,9.

Chapter 3

POLITICS ON THE LEGISLATIVE LEVEL

The political structure of Territorial Iowa began to take form with the appointment of the first Governor and the election of the first Territorial Legislative Assembly.

Reference has already been made to the provision for these appointments and the election to fill the elected offices. Analysis of the appointed offices will be made in a later chapter. The primary purpose of this chapter will be to develop an analysis of the legislative assembly in order to identify and measure political activity in the first year of the territory and to recognize the subsequent development of politics in this body during the territorial period.

Much can be learned about territorial politics at the legislative level by studying the men who made up the legislative assembly during the entire period. Such a study will now be made on the basis of available information concerning each individual who served in the legislative body during this eight-year period.¹

The political party to which these men subscribed will provide the first basis of analysis. Of the thirteen

¹The list of persons serving on the Eight Territorial Councils and the Eight Houses of Representatives appears in the Appendix of this paper.

members of the first Territorial Council, there were three men who were definitely Whigs and two others who were most probably Whigs. Six were definitely Democrats with two who are uncertain, but evidently were Democrats. Of the twenty-six members of the House of Representatives, seven were Whigs and eighteen were Democrats, along with one who had uncertain, but probable, Democrat affiliation. Thus, the first legislative assembly was made up of a total of twelve Whigs and twenty-seven Democrats.

There is limited evidence available to the student of this first territorial campaign for legislative office. It would appear that the weakness of party organization within the territory severely limited the partisan nature of the campaign. Although there were many accusations of campaigning without political labels,¹ it is more likely that the candidates campaigned on issues of local interest with a secondary emphasis on political affiliation.

Although there is little evidence that political parties were active during this first election, there is no doubt concerning the overwhelming Democratic majority of the first legislature. The question of why must be explored. Was it the result of a dominant Democratic sympathy on the part of the early Iowa settlers?

John W. Gannaway suggested that political party af-

¹These charges appear in partisan newspapers such as the Hawkeye and Iowa Patriot, October 29, 1840; and the Lee County Democrat, March 26, 1842.

filiation in those early days was a product of the migration of Southerners to the new territory. These Southerners had come from states where party lines had already become rigidly drawn and established. Thus there was already an established political bent and cleavage in the minds of the early settlers.¹ Along with this idea that past political experience and affiliation played an important role in these early days, there is also a possible explanation for the outcome of these elections even though no party organization appeared to be active. Gannaway distinguished between the two kinds of party organization by referring to them as "paper" organizations and "institutional" organizations. He explained that institutional political organization was the product of the life-long assimilation of intellectual and political ideologies and values. These ideologies and values, according to Gannaway, were strong within the minds of the Iowa settlers long before the actual organization and platforms of these parties were effected.² This would partially explain how party lines were drawn in the absence of strong organization.

The occupations of those who served in the first territorial legislature indicate that the candidates represented a wide spectrum of local interests, but as was the

¹John W. Gannaway, "The Development of Party Organization in Iowa," Benjamin F. Shambaugh, ed., The Iowa Journal of History and Politics, I (October, 1903), 496,7.

²Ibid., pp. 495-96.

pattern in the early days of most western territories, the political activists formed an elite "political community" of frontier entrepreneurs -- business and professional men whose participation was exceedingly important in setting the tone of early politics in early territorial Iowa.¹ Of the thirty-nine members, seven were lawyers, twenty were farmers, six were merchants, one a physician, two were surveyors, one a gunsmith, one a miner, one a tailor and one with unknown occupation.² The average age of these legislators was only thirty-five. The average length of their residence in the territory was about three years, not surprising considering the infancy of the territory.

Included among members of this legislature were many experienced politicians and office-holders. Arthur Inghram, who was elected President of the first Territorial Council, had served previously in the Wisconsin Territorial House of Representatives. Both Lewis Warner and Jonathon Parker had held appointments as Justices of the Peace under the Wisconsin Territorial Government. In the first Iowa House, there were two members, Thomas Blair and Hardin Nowlin, who had served in the same capacity in Wisconsin Territory. In addition there were eight other members of the first House who

¹Kenneth N. Owens, "Pattern and Structure in Western Territorial Politics," The American Territorial System, ed. John Porter Bloom (Athens, Ohio: Ohio University Press, 1973), p. 165.

²Gannaway, op. cit., p. 497.

had held political positions in Wisconsin Territory. Six had served as Justice of the Peace, one as a District Attorney, and one as a Lieutenant Colonel in the Militia.¹

In order better to understand the interests and motivations of this first legislature, it would seem imperative to know whence they came. For, naturally, their backgrounds would have had some bearing on their political ideologies and their preferred system of political organization. Of the thirty-nine members of the Council and House of Representatives, eight had hailed from Kentucky, nine from Virginia, five from Pennsylvania, four from Ohio, two from North Carolina, two from New Hampshire, two from New York, three from Vermont, one from Connecticut, one from Illinois, one from Tennessee, and two of unknown origins.² It would be difficult to judge the influence of regional or state origin upon the political, social, and economic philosophies of the first Iowa territorial legislators without more precise data on their previous political involvement, their ages at the time of emigration, their specific point of

¹This information comes from an investigation of Iowa Territorial leaders listed in John Porter Bloom (ed.), The Territorial Papers of the United States, XXVII (Washington, D.C.: The National Archives and Records Service, General Services and Administration, 1969). See List of Councillors who had served in Wisconsin in Appendix of this paper.

²Ibid. There are twenty-eight persons listed in the House of Representatives instead of twenty-six due to the replacement of one member by reason of death and the successful contest for the seat of Samuel R. Murray by Jabez A. Burchard.

origin (town, county, city), and their individual personal histories.¹

A study of the territorial legislatures in Iowa from 1838 to 1846 will reveal some basic political patterns and trends in the background and election of the legislators and councillors who served until the time of Statehood.

Since the council was elected for two year terms, there were only four elections to this office during the Territorial period. It is necessary, first of all, to know the basic political strengths or weaknesses in this body.

The first and most obvious development in the election of the council was the shift toward election of experienced men. Whereas the first council had only three persons with any experience in territorial government, the second council was marked by the election of seven new men who had served previously in the Iowa Territorial House. An eighth veteran representative, Shepherd Leffler, was appointed to fill the vacancy left by the death of Joseph C. Hawkins. Two were veterans of the first term and one of the new councillors, Joseph Kirkpatrick, had served as a Justice of the Peace in Wisconsin Territory.² Thus there was an obvious strength of past experience.

A further element of significance in the shift of these eight men from the House to the Council was the fact

¹Leland Sage, A History of Iowa (Ames, Iowa: The Iowa State University Press, 1974), pp. 82-83.

²Bloom, Territorial Papers, XXVII, p. 147.

that the majority of them had emerged as leaders in the House.¹ Since there was no significant shift in the balance of partisan affiliation, it would appear that this council was elected more on the basis of experience and leadership than on the basis of partisan labels.

The third council, elected in 1842, was politically divided with seven Whigs and six Democrats, being little changed from the second council. However, there was a significant change in membership. Only three veterans of the second term were re-elected. Two members, Thomas Cox and William Patterson, were veterans of the House. Joseph B. Teas was a new recruit to Iowa politics, but had previously served on the Wisconsin Council. Two other members, Francis Gehon and James H. Jenkins, had held appointments as Marshall and Justice of the Peace, respectively, in Wisconsin. Five had no known previous governmental experience.

The fourth council, elected in 1844, was characterized by an obvious shift in partisan political strength. Eleven Democrats were elected as against only two Whigs. There are two probable reasons for this shift: growth of partisan organization and the issue of Statehood. Political activity and organization were gaining new momentum, due in

¹Iowa Territory, Journal of The House of Representatives, 1838-1839. An intensive study of these journals reveals that the following men were outstanding spokesmen and were subsequently elected to the Iowa Territorial Council in 1840: Serranus C. Hastings, James Hall, Gideon S. Bailey, W. G. Coop, and Shepherd Leffler.

part to the interest in the presidential election. Partisanship also increased as both parties anticipated the movement toward Statehood. Prior to this time, the political differences between the two parties had been rather vague, particularly on local issues. But by the time of the election of 1844, the Whigs had taken a strong stand against Statehood while the Democrats were strongly supporting the same.¹ Furthermore, the will of the people had been expressed as favoring the formation of state government. This may have been a factor in the Democratic control of the last Territorial Council.

Another significant development in the election of the fourth council was the return of three men who had served previously in the council, but not in the 1842-44 council.² These men had been outstanding leaders during their previous terms. The six councillors who were veterans in territorial government were all Democrats. Again, this could suggest that their experience was a factor in their election where Whigs might have otherwise been elected.

There is no solid evidence which would reveal the nature of the campaigns for these legislative offices. The newspapers of the period were silent concerning the campaigning and the election results except for reporting of

¹A full discussion of the partisan political arguments concerning the issue of Statehood appears in Chapter 6 of this paper.

²These men were W. G. Coop, Serranus Hastings, and Stephen Hempstead.

the winners. In relation to the turnover in legislative personnel, it is difficult to ascertain whether candidates were defeated or simply chose not to run for office.

Perhaps the most outstanding pattern in the council, during these eight years of territorial development, was the consistent strength and leadership which was elevated to this legislative body.

The complexion of the first Territorial House of Representatives has already been noted. There was in that House a good representation of experienced men. But the turnover of personnel was much more pronounced than it was in the council. Only seven veterans of the first House were re-elected to a second term in 1839.¹ Five of those seven, as already noted, were elected to the council in 1840.

Only one man, Joseph M. Robertson of Scott County served as long as six years in the House. There were five men who served as long as four terms, seven who served three terms, thirty-five who served two terms, and eighty-seven men served only one term in the House.² The House of Representatives was characterized throughout the territorial period by a high turnover. However, in every session of the House, there were some representatives who had held a political appointment or elected office under the Wisconsin

¹See Appendix of this paper.

²Ibid.

Territorial government.¹ The one exception to this lack of experience was the eighth house which claimed twenty veterans from former house sessions. There is, again, reason to believe that the imminent issue of Statehood influenced the return of experienced men.

Throughout the territorial period, Democrats held a majority in the House in every session. The Whigs claimed as many as eleven members in 1840, and as few as five in 1843. The other sessions reveal some gains and losses for the Whigs, but while the Council had lost all but two Whigs in 1844, the House still had ten. In other words, there was no consistent pattern which emerged in the partisan affiliation of the members of the two Houses beyond the consistent Democratic majority.

As to the states of origin for the members of the eight Houses, it would appear that there were more and more men elected with northern backgrounds than there were from southern-slave states. Of the known origins of the members of the last House, only ten were natives of slave states.² This can be attributed to the increasing migration to Iowa from the northern states during the last years of the territorial period. By 1850 the census revealed that the rank of the various states peopling Iowa favored the northern states. Ohio was ranked as the number one state of origin

¹See List of Iowa Territorial Representatives who had served in Wisconsin Territory in the Appendix of this paper.

²See Appendix, Territorial Representatives.

for Iowans, with Indiana, Pennsylvania, Kentucky, and New York being ranked as the next four states to contribute the majority of the Iowa population.¹

There are several conclusions that become apparent after analysis of the eight legislative assemblies to serve the Territory of Iowa. First of all, there was never a time during this eight-year period when the House could have been considered a body of seasoned legislators, with the exception of the last session. There was very little accumulated experience. Rather, there was a continual process of re-orientation for this body. Those who were the veterans were most often the leaders, as has been noted in the shift to the Council.

Secondly, partisan politics did not appear to exert strong influence upon the election of the members of these eight Assemblies. Although the Democrats always held a majority in both the Council and the House, there were few significant shifts in party divisions. Even with the changes of Governors, which each time brought a new party to the executive office, there is little evidence that the legislative members were elected on this basis.

It would be more accurate to say that legislators were elected on the basis of past experience and strength of leadership during their service.

¹John A. T. Hull, Census of Iowa for 1836-1880, Table LXVIII (Des Moines, Iowa: F. M. Mills, State Printer, to page 368. Completed by George E. Roberts, State Printer, 1883), pp. 168,9.

There were a few counties which consistently elected representatives from one party. From the list compiled in the Appendix of this paper, a study shows, for example, that Demoine, Dubuque, and Van Buren counties were strong in the election of Democrats to the House. Henry County was the only one to show the election of a majority of Whigs to the House. Other counties were more evenly split in the number of Whigs and Democrats elected. This would indicate a balance between the two parties in most counties.

Thirdly, there was no time during the territorial period when the interests of any class or occupational grouping of persons were overwhelmingly favored in representation. The only major groups which always held considerable strength in the assemblies were the farmers and the lawyers. This was naturally due to the agrarian nature of the territory in those early days and the interest of the law profession in the political process.

A study of the known political affiliation of the lawyers and farmers who served in the House reveals no major leaning of either occupation to one party more than the other. Of forty-eight farmers who served in the House, seventeen were Whigs and thirty-one Democrats. Of thirty-seven lawyers, fourteen were Whigs and twenty-three were Democrats. This breakdown corresponds to the general party division between Whigs and Democrats throughout the territorial period.

With this description of the members who served in the legislative assemblies of the territory, it is neces-

sary to turn to the issues which this group encountered. The work of these bodies will give more insight into the nature of Iowa Territorial politics.

It is not possible to include all the activities of these assemblies, but a sampling will be reported which will serve to mirror the complexion of the issues of most pressing importance and concern.

There is evidence that the weight of their responsibilities lay heavy upon the first legislative assembly and the governor who was to direct the assembly. Governor Robert Lucas best revealed his own feeling concerning this responsibility in his opening message to the first session of the Council and House of Representatives, dated November 12, 1839:

...we are impressed with a sense of the weight of responsibility imposed upon us, and we are led to ask aid from that Providence who has hitherto sustained us; whom we view as the Governor of the Universe, the author of all good, and the fountain of every blessing, and sincerely implore his protecting care over us, and pray that he may inspire us, as well as all those who may succeed us in authority, with wisdom to perceive, judgment to determine, and energy to execute such measures as will advance to the greatest degree of prosperity, the physical, political, intellectual, and moral condition of the pleasant land and interesting Territory. sic ¹

This concern may have been reflected in the following resolution passed by the Assembly just three days later on

¹Benjamin F. Shambaugh, Executive Journal of Iowa 1838-41 (Iowa City, Iowa: The State Historical Society of Iowa, 1906), p. 42. Also: Iowa Territory, Journal of the First Legislative Assembly of 1838, p. 5.

November 15, 1838:

Resolved, That the Ministers of the Gospel, who may visit this Council, be invited to take seats within the bar at pleasure.¹

These issues may seem rather insignificant on the surface, but are included here because they reveal something of the spiritual and intellectual climate of the period and of the territory. There was an evident change which took place in the next six years. For, when the Constitutional Convention of 1844 was in session, there was an open controversy on the question of the resolution to open the sessions of the Convention with prayer.²

One of the early acts of the legislative assembly was to appoint a committee "to consider the law organizing the Territory of Iowa, and to propose any expedient amendments...."³ This action, no doubt, represented a desire to develop the territory along the lines of expediency for her own unique needs and the needs of her inhabitants.

Governor Lucas had suggested in his first message to the Assembly that Iowa needed to develop her own laws instead of accepting those handed down from the Michigan and Wisconsin Territories.⁴

¹Journal of the First Legislative Assembly of 1838, p. 28.

²The Original Papers of the Constitutional Convention of 1844 (MSS in Iowa State Historical Library, Des Moines, Iowa).

³Journal of the First Legislative Assembly of 1838, p. 28.

⁴Shambaugh, Executive Journal, p. 43.

This is one further evidence of the individualistic and localistic emphasis of early political concerns.

It has already been noted that the first legislative assembly possessed a strong southern heritage. It is difficult to ascertain the degree to which the legislative assembly was affected by some of the issues which would have divided the southerners from the northerners. As already noted the question of slavery was a major national issue at the time of the creation of Iowa Territory. There was great fear that the balance between the slave and free states would be upset if Iowa should become a free state. Thus it was an issue which had to be settled early in the territorial experience.

In order to distinguish between the effort to resolve a problem and the effort to avoid a problem, it is necessary to explore a few pieces of evidence that lend understanding to the subject. One of the early references found concerning the subject of slavery appeared in an editorial in the Dubuque Visitor two years before Iowa became a Territory:

To him that feels interested in the peace and prosperity of the republic, there is but one grand, imposing, sacred duty in regard to slavery. Let him leave to those on whom Providence has placed the responsibility and given the sole power of controlling it, the regulation of their own actions, the care of their own morals, the security of their own welfare, temporal and external. We of Wisconsin are bound to the faithful exercise of this hard duty of self-restraint and generous for-

bearance. LET US LEAVE THE SLAVE-HOLDERS ALONE.¹

This editorial would have suggested that the best course of action would be to avoid completely the issue if possible. Such an editorial cannot be construed to represent the climate prevailing among the population, but it did represent a strong plea to avoid conflict over this issue. There is an element of warning against reform efforts.

Other authors have explored the origins of the population with particular emphasis upon sectional loyalties. F. I. Herriott came to the conclusion that "Iowa's population in the main hailed from the land of the pines and from south of the Mason and Dixon's line."² Herriott came to the same conclusion by reviewing the origin of the leading men in early days.³ "We find southern men, or men of southern extraction, or of southern affiliation no less conspicuous and prominent in the government of the territory and State prior to 1850...."⁴

The significant conclusion of this study was that the southerners coming north and settling in Iowa Territory were anti-slavery.⁵

¹Dubuque Visitor, May 11, 1836.

²Frank I. Herriott, "Whence Came the Pioneers of Iowa?," Annals of Iowa, VII (1906), 449.

³Ibid., 449-455.

⁴Ibid., 456.

⁵Ibid., 461. See Also James E. Connor, "The Anti-slavery Movement In Iowa" (Unpublished M.A. Thesis, Drake University, 1970), p. 133.

Based on the idea that southern stock and southern traditions were prevalent among the dominant political forces of the territory, Herriott concluded that there was a dividing force that characterized the people and politics of Iowa.

Throughout the entire history of the State one may discern a sharp cleavage among the people of Iowa that in general typifies the traditional conflict between the Cavalier and the Puritan. It is manifest not only in the political life of the State but in the social life of the people, in industry and commerce, in church and religion, in education and modes of recreation....¹

With this background in mind, a further investigation of some of the early legislation may give a clearer view of some of the priorities in the minds of the legislators and, no doubt, the people they represented.

One of the early pieces of legislation to be passed by the first Territorial Legislative Assembly was an act entitled "Blacks and Mulattoes."

Sec. 1. Be it enacted by the Council and House of Representatives of the Territory of Iowa, that, from and after the first day of April next, no black or mulatto person shall be permitted to settle or reside in this Territory, unless he or she shall produce a fair certificate, from some court within the United States, of his or her actual freedom, which certificate shall be attested by the clerk of said court, and give bond, with good and sufficient security, to be approved of by the board of county commissioners of the proper county in which such person of color may reside, payable to the United States, in the penal sum of five hundred dollars, conditioned that such person shall not at any time become a charge to the said county in which the said

¹Ibid., p. 465.

bond shall be given, nor to any other county in this Territory, as also for such person's good behaviour, which bond shall be filed in the clerk's office of the county where the same may be taken. And a conviction of such negro or mulatto, of any crime or misdemeanor against the penal laws of this Territory, shall amount to a forfeiture of the condition of such bond.¹

Furthermore, the law provided that a Negro or mulatto who failed to give the bond could be hired out for six months at the best price offered and the proceeds were to go to the county treasury to be used for the Negro or mulatto in the manner prescribed by the county commissioners. There was further provision that the Negro or mulatto was not to be committed to prison without proper authority of the law. The law also provided that persons visiting or traveling through the Territory, with Negroes or mulattoes in their possession, would be assured free passage.²

One of the first questions that comes to mind is why such a law rated such high priority in the mind of the assembly. If it be an accepted fact that a majority of the legislators were of southern origin and that they were as well anti-slavery, then why such an act in these early days?

It is certain that the act was not passed to regu-

¹Iowa Territory, The Statute Laws of the Territory of Iowa, Enacted at the First Session of the Legislative Assembly of Said Territory, Held at Burlington, A.D., 1838-39, p. 69. This was one of the early acts of the first legislation, being approved January 21, 1839. See Statute Laws, p. 70.

²Ibid., pp. 69,70.

late a problem that already existed, for two years later, in 1840, there were only 188 Negroes in the entire territory.¹ It seems much more reasonable to assume that the act was a preventative measure. But it cannot be assumed that an anti-slavery position was the only motivating force. The act more clearly sets limits on the citizenship and rights of the Negroes and mulattoes. The provision for hiring out of such persons at the discretion of county officials smacks of a type of slavery and most certainly indicated the prevailing attitude which suggested the degradation of these persons. Being anti-slavery was certainly not equivalent to being pro-equality. There is also evidence in the local "grass roots" associations and organizations of the same general attitude toward the Negroes and mulattoes.² This indicates an effort to prevent the immigration of Negroes.

Much of the legislation of the first assembly related to the establishment of boundary lines for the various counties and the establishment of new counties.³ But it is significant to note that local issues, such as the location of the seat of justice in the counties, was usually left to local commissioners or the vote of the populus of the county.⁴

¹Hull, Census of Iowa, Table LXX-5, pp. 210-285.

²See Benjamin F. Shambaugh (ed.), Constitution and Records of the Claim Association of Johnson County, Iowa, (Iowa City, Iowa: The State Historical Society of Iowa, 1894), p. 9, et passim.

³Statute Laws, pp. 94-106, et passim.

⁴Statute Laws, loc. cit.

There was no evidence of efforts to centralize excessive power and authority in the Territorial Assembly.

Perhaps this provision had stemmed from the struggles which had occurred in Wisconsin Territory over the location of county seats. According to Eblin, the legislatures were bombarded with this question continually due to local interests desiring to have the county seat in their area. Furthermore there was pressure from the legislators themselves who had vested interests in certain areas.¹

The case of the location of the county seat for Scott County was carried over from the Wisconsin Territorial days and the Iowa legislature had to deal with it. However, the legislature limited its action to calling for a new election and imposed a sixty-day residence requirement for voting on the issue.²

It was probably an act of wisdom when the legislature declared this matter to be a local issue. Since this was true, there was one less issue over which the legislators were politically divided. The struggle was shifted to the local constituents.

Social legislation was of prime importance in the first assembly, but offers little significant evidence of unique political thought, since much of the social legis-

¹Jack Ericson Eblin, The First and Second United States Empires (Pittsburgh: University of Pittsburgh Press, 1968), p. 138.

²Iowa Territory, Journal of the House of Representatives, 1838-1846, December 7, 1838, pp. 76, 7.

lation was borrowed from Wisconsin Territory.¹

One of the acts of the legislature, which merits brief analysis here, was entitled "Worshipping Congregations:"

...any person who shall, by menace, profane swearing, vulgar language, or any disorderly, or immoral conduct, interrupt and disturb any congregation, or collection of citizens assembled together for the purpose of worshiping [sic] Almighty God, or who shall sell, or attempt to sell, or otherwise dispose of, ardent spirits, or liquors, or any article which will tend to disturb any worshiping [sic] congregation, or collection of people, within two miles of such place, unless the person, so selling, or disposing of said spiritous liquors, or articles, shall be regularly licensed to keep a tavern, or grocery, and shall sell the same at his said tavern, or grocery, to travelers, any person so offending shall be deemed guilty of a high misdemeanor, and upon conviction, shall² be fined in any sum not exceeding fifty dollars.

Such an act gives evidence of two facts: one, that the guaranteed freedoms were being upheld; and, secondly, that the moral and spiritual climate of the territory demanded such legislation. Both are indicative of legislative response to specific social concerns in territorial Iowa.

It is not possible to cite here all of the facets of the work of the eight territorial assemblies. Much of their work was constructive in nature and dealt primarily with the physical needs of the territory, such as the

¹A complete description of early social legislation is found in John E. Briggs, History of Social Legislation in Iowa, ed. Benjamin F. Shambaugh (Iowa City, Iowa: The State Historical Society of Iowa, 1915), pp. 27-35.

²Statute Laws, op. cit., p. 550.

the building of roads and bridges, and other such matters.¹
The divisions which appeared over the location of these physical improvements were attributable more to the fact of local vested interests than to any political affinity.

It remains here to evaluate the strength and the growth of partisan politics. Just how much bearing did party politics have on the legislative level?

There is little evidence of an organized two-party system in the Territory of Iowa until about 1840. It is apparent that political loyalties were brought to Iowa from other areas in the early days.

Participation in the political activity of the states of origin had influenced the party preferences of the settlers. Although party lines were not drawn until later, partisanship based on personal or sectional loyalties appeared in the first elections. The issues were not of the sort to warrant campaigning on two-party lines.

In these first elections members of the legislature and delegates to Congress were the only officers chosen, and the Territory being so new, questions of purely local interest prevented the² division of the voters upon strictly party lines.

The development of a well-organized two-party

¹See: Johnson Brigham, Iowa, Its History and Its Foremost Citizens, I (Chicago: S. J. Clarke Publishing Co., 1918), pp. 127-152.

²John W. Gannaway, "The Development of Party Organization in Iowa," Benjamin F. Shambaugh, ed., The Iowa Journal of History and Politics, I (October, 1903), p. 505.

system in Iowa Territory appeared to run concurrently with the fever of the national Presidential campaigns starting in 1840. Calls began to go out for greater organization. The Iowa Territorial Gazette and Advertiser reported:

The first Democratic territorial convention was held at Bloomington (Muscatine) August 19 (1840) and nominated General A. C. Dodge for the office of Delegate to Congress...It was...the first attempt at party organization for the whole Territory...¹

The Whig efforts to organize appeared somewhat later.

The first Territorial Whig Convention was held in the Methodist Church in Burlington on January 6, 1841 with R. P. Lowe presiding. The assembly passed the following resolutions: 'That the meeting should proceed to the organization of the Democratic Whig party, for the Territory of Iowa, with a view to produce a union and concert of action in regard to its interests and duties;...²

Even though these party organizations were coming to life, there is still little evidence that there was much noticeable effect upon the important issues which were being handled by the legislative assembly. In regard to the assembly of 1840, Gannaway reported:

It is a significant fact that the division of the parties in the legislature was due largely to a question of patronage. The question whether the legislative printing should be given to the 'Hawkeye' or to the 'Gazette' - the official organs of the Whig and Democratic parties respectively - was the cause of this division and was a bone of contention during the entire (1840) session.³

¹Iowa Territorial Gazette and Advertiser, June 26, 1841.

²Gannaway, op. cit., p. 509.

³Ibid., p. 507.

There were, however, developing political loyalties and divisions.

The conclusive evidence for effectual two-party political activity on the legislative level in the early years is really lacking. There is more evidence of such activity in the later years of the territorial period.

The earliest development of party "platforms" came in 1841. The Whig platform of 1841 contained little significant political information. It dealt primarily with the death of President William Henry Harrison and the appropriate acts of mourning for him. There was an expression of confidence in the new President, John Tyler, and the new Governor of the Territory, John Chambers. The only other significant act was the nomination of Alfred Rich for Congress.¹

On the other hand, the Democratic platform for 1841 contained specific demands and appeals. It expressed alarm over the Whig ascendancy in National Government and in the appointment of the Territorial Governor and related offices. This ascendancy was referred to as "the arrogant spirit of Federalism."² There was also a resolution which lauded the anti-bank stance of Jacksonian Democrats. The Clay proposal for distribution of public lands was labeled as evil, while

¹Herbert S. Fairall (ed.), The Iowa City Republican Manual of Iowa Politics (Iowa City, Iowa: Republican Steam Printing House and Bindery, 1881), pp. 11,12.

²Ibid.

a pre-emption law was labeled as the only democratic means of securing land. General A. C. Dodge was nominated for Congress.¹ There was one part of the Democratic platform which suggested that local interests had previously been of more importance than national politics. It read:

...It is earnestly urged upon all that they lay aside local questions and sectional feelings, and unite in heart and hand in exterminating their₂ common enemy, Federalism, from the Territory.

The election campaign gave little evidence of "two-party" politics, but the results confirmed a Democratic ascendancy in the Territory. General A. C. Dodge won the election with a majority of five hundred thirteen votes with a total of 9,143 votes cast.³ It has already been noted that the election of the legislature was little affected.

The Whigs did not hold another formal convention, nor adopt a platform, until 1844. This platform was primarily related to national issues. The Democrats adopted no platform.⁴ The basic issue for the Territory during these years was the adoption of a State Constitution and admission into the Union. There were many aspects of the Statehood question that provoked party division. These are discussed in Chapter Four.

¹Ibid., pp. 12,13.

²Ibid., p. 12.

³Ibid.

⁴Ibid., pp. 14,15.

In this study of politics on the legislative level, several patterns have emerged. First, there was an evident pattern of leadership moving from the House to the Council which provided an experienced Council throughout the territorial period. The role of two-party politics, however, was not significant in the election of these Councillors until later years.

Secondly, there was less evidence of partisanship in the election of the representatives who served the House, since there was a rather consistent balance in the membership and political affinities of this body. Furthermore, there was a much greater turnover of personnel in the House. This would at least suggest that there were no vested interests which had long-range strength in the House.

Thirdly, the strength of southern political heritage did not have as great a bearing on political development in Iowa as has often been inferred. If there was strong southern predilections in the early years, there was a decline of the same during the territorial period.

On the whole, it would appear that political strength on the legislative level was more issue-centered than party-centered, and the strength of personal leadership held priority over political affinities.

Chapter 4

POLITICS ON THE ADMINISTRATIVE LEVEL

Due to the fact that the "Administrative" officials of the Territory were appointed by the President of the United States, the development of politics at this level was influenced by the personal political ideologies of the three governors and the relationship which evolved between these governors and the constituency they served. Politics at this level was extremely colorful. The relationship between the legislative assembly, which was elected by the citizens of the territory, and the federally appointed officials provides significant insight into both the unique problems and needs of the Territory of Iowa and the efforts to provide for the solution of these problems.

The organic law of the Territory of Iowa provided:

That the governor, secretary, chief justice, and associate judges, attorney, and marshall, shall be nominated, and by and with the consent of the Senate,¹ appointed by the President of the United States.

It is immediately apparent that the citizens of Iowa Territory had no involvement in the selection of these officials, and as a result were understandably passive con-

¹Benjamin F. Shambaugh, Documentary Materials Relating to the History of Iowa, I (Iowa City, Iowa: The State Historical Society of Iowa, 1897-1901), p. 103.

cerning the appointment of the "Administration." Since Iowa Territory had evolved according to the provisions of the Ordinance of 1787, the only political voice of Iowa on national issues was the elected delegate to Congress.¹ The delegate could introduce bills and speak on the floor of Congress, but was not allowed to vote. The relationship between the appointed officials of Iowa Territory and the elected legislative assembly of the Territory was to be the basis of several conflicts which had a direct bearing on political developments.

The political nature of these appointments was apparent and quite simple. The party affiliation of the President of the United States dictated the appointments. With each succession of a new President, a new Governor was appointed for Iowa.

The creation of the Iowa Territory in 1838 was followed by the appointment of Governor Robert Lucas to administer the new territory. He was appointed by President Van Buren in July of 1838 after the appointment was refused by Van Buren's first choice, General Henry Atkinson.²

¹The Ordinance of 1787 was the law passed by the United States Congress for the purpose of governing the Northwest Territory and dividing it into smaller units. See Max Farrand, The Legislation of Congress For The Organized Territories of the United States (Newark, N.J.: William A. Baker, Printer, 1896), pp. 1-37.

²John C. Parish, Robert Lucas (Iowa City, Iowa: The State Historical Society of Iowa, 1907), p. 157.

Lucas was not new to politics, having served in local and state political positions in Ohio from 1805 until 1814, when he was elected to the United States Senate from Ohio on the Democratic ticket. He had also presided over the first Democratic national convention in 1832. In the same year, he was elected as Governor of Ohio, where he served until 1836. He held no political office again until his appointment as Governor of Iowa Territory.¹ Although there is little evidence on which to judge, the immediate willingness and response which Lucas displayed in accepting the position would suggest that he was desirous of the appointment.

These details are well known in Iowa history, but little has been written concerning the nature of the political activities which characterized the early government of the Iowa Territory. The major emphasis of this chapter will focus upon the relationship between the Administration and the Territorial legislature. The author will attempt an interpretative analysis of the political struggles of the governing officials of the infant territory.

Though it may appear that there were many inexperienced legislators in the early days, such was not the case with the first Governor. Not only was he experienced as a former Governor, but he also had, no doubt, wrestled

¹Johnson Brigham, Iowa, Its History and Its Foremost Citizens, I (Chicago: S. J. Clarke Publishing Co., 1918), p. 127.

with the growing pains of other territories during his years in the Senate. He was well aware of the problems of setting up a responsible government in a new territory. The political philosophy and techniques of Governor Lucas were demonstrated immediately in his first message to the Territorial Legislature.¹ He was, at the same time, interested in maintaining a sense of creativity in this new territory. There was to be no simple adherence to the policies and directions of former territorial organization. This, in itself, is witness to the strength of character in Governor Lucas. It would have made the task for himself and the legislature much easier to have simply set up a government using the model of Wisconsin Territory or Michigan Territory. But this was not to be the case. Noting the "incompatibility of the laws" of the Wisconsin Territory and the Michigan Territory, Governor Lucas declared:

...we are satisfied that our Territory can derive no benefit from them, and that our most advisable course of action will be, to proceed to organize the local government of the Territory in conformity to the organic law, and to adopt all our laws to suit the situation and interests of the Territory, without reference to the laws of either Wisconsin or Michigan.²

This commitment to a creative and original set of

¹See the Opening Message of Governor Lucas to the First Session of the Council and House of Representatives dated November 12, 1838, in Benjamin F. Shambaugh, Executive Journal of Iowa 1838-1841 (Iowa City, Iowa: The State Historical Society of Iowa, 1906), pp. 42-57.

²Ibid., p. 43.

laws for Iowa Territory may possibly have been the basis for some of his later controversy with the legislature. There is every possibility that his attitude toward Wisconsin Territory could have alienated the legislators who had formerly served in the same capacity in Wisconsin. It would, as well, have been a signal to the legislature that his attitude toward the governorship might smack of some of the autocratic flavor of some former territorial governors. Since the territorial governorship had moved through a period of transition in power and authority during previous years, there is every reason to believe that a new territory might well have waited in real anxiety for the appointment of a governor.

In order to understand the role played by Governor Lucas, it is necessary to look briefly at the evolution of the territorial governorship up to the Iowa period. In the earliest period of territorial development in the United States, the governor of a territory was given almost unlimited power.¹

Early governors were in a position to be extremely autocratic since they were legally responsible only to Congress and to the President after 1789. There were several similarities between these early governors and the British royal governors. Both had an absolute veto over legis-

¹A Full Discussion of the Provisions of the Ordinance of 1787 appears in Farrand, The Legislation of Congress, pp. 8-37.

lation and Congress, like the British Parliament, held the right to negate any laws that the governor approved. The basic difference between the two was that the American territorial governors did not receive their salary through the territorial legislature. Furthermore, the only appeal to overrule a governor's veto was through an act of Congress. Early governors all served as Superintendents of Indian Affairs and commanded the regular army in their territories, with the right to requisition troops and militia from neighboring states. They were also responsible for the enforcement of federal and territorial laws.¹

Over the years of territorial experience in the United States, Congress modified many provisions among which were some that dealt with the power of the governors. Eblin has described the loss of the governors' absolute powers as a result of new suffrage laws and the increasing power of the elected delegate to the United States Congress.

During the early years, the "first-stage" governors were the primary official link between Congress and the territories, and theirs was practically the sole influence on Congress in regard to territorial affairs. However, the advent of territorial delegates stripped the governors of much of their influence. These delegates began to receive credit for any benefits achieved for the territories and,

¹Jack Ericson Eblin, The First and Second United States Empires (Pittsburgh: University of Pittsburgh Press, 1968), pp. 49-50.

in some cases, became more powerful than the governors. Due to this fact, governors from Wisconsin and subsequent territories sought election to Congress as territorial delegate. Some seem to have accepted the governorship only as a stepping stone to the delegate position. Before the provision for voter election of the delegate, he was not fully competitive with the governor. The changes in election laws for the territorial delegates and the general expansion of the suffrage were coincidental to the dilution of the governors' power.¹ Eblin further stated that "in 1829 Congress removed the last of the governor's appointive powers, making him little more than a bureaucrat issuing commissions of appointment."²

This may be a generalized analysis of the actual power of territorial governors, but the activity of Governor Robert Lucas indicates that he viewed the governorship from a different perspective. He viewed his own position as one with great responsibility and power as well.

It would seem on the surface that the very nature of the governorship, as it existed when Iowa became a territory, would lend itself to autocratic rule. Along with the lack of "grass roots" representation in Washington and the sheer physical isolation of the area, there was little control over the action of the governor. There was, by

¹Ibid., p. 161.

²Ibid., p. 168.

necessity, a centralization of power in the hands of this distinct executive. At the same time, however, his direct responsibility to the President served as a restriction on the use of his power. In describing this aspect of the territorial governorship, Dwight G. McCarty advanced the idea that "the centering of responsibility in the Governor was commensurate with the concentration of powers."¹

McCarty further described the responsibility of the governor to a distant head as being very definite since the governor was solely responsible for an honest administration and for the welfare of the territory. The weight of this responsibility served as an effective check on the "too arbitrary exercise of his powers."² Much of the real character of the development of territorial government was dependent upon the ability and personality of the governor.³

The total effectiveness of the governors does not represent the actual political tensions which existed between this executive and his constituency. The governorship had been continually under attack in former territories. In much of the documentary material dealing with the territorial affairs, there is a dominant stream of criticism

¹Dwight G. McCarty, The Territorial Governors of the Old Northwest (Iowa City, Iowa: The State Historical Society of Iowa, 1910), pp. 45-46.

²Ibid.

³Ibid.

of the territorial governorship.¹ Governor Henry Dodge, for example, was under attack in the Wisconsin Territory shortly after Iowa became a separate territory. The delegate from Wisconsin, James D. Doty, described the basis of the opposition to Governor Dodge in a letter to the President. He objected strongly to the re-appointment of Dodge to the governorship. Among the various attacks made upon Dodge was the accusation that he had not equally apportioned the membership in the Legislative Assembly; had not resided and kept his executive office in the seat of government; had influenced the passage of laws to prevent the collection of debts and lessen the security of creditors; and had a tendency to use violent measures against the Indians instead of peaceable measures.² These objections and accusations indicate the major portion of this attack emanated from an alleged autocratic attitude and activity in executing his office.

¹There are numerous references to the questionable activities of territorial governors in the development of the territorial period in: Eblin, op. cit. The Congressional legislation dealing with the powers of territorial governors is also an indication of the strong stream of criticism. See: Farrand, op. cit.

²A letter from Delegate J. D. Doty, Delegate to the Territory of Wisconsin, to the President of the United States, dated February 1, 1839. Found in: John Porter Bloom (ed.), The Territorial Papers of the United States, XXVII (Washington, D.C.: The National Archives and Records Service, General Services and Administration, 1969), pp. 1164-1166.

The governorship in other territories had been, in actuality, an exercise of autocratic rule. According to Mr. Eblin, the first stage of government in the Territories seemed to be a strange mixture between the power of local oligarchies and an autocratic governor. He describes the first-stage system of territorial government as despotic.¹

Although there is a lack of clear evidence to establish the strength and development of local oligarchies in Iowa, there are two factors on the territorial level which indicate that they did indeed exist. One was the evident trend toward the election of men who had previous political experience. Secondly, the trend of established strength and leadership in the council was an indication that the early territorial constituency was voting for strength and experience more than on the basis of partisanship and issues. Furthermore, the newness of the territory and the drive toward personal economic establishment would suggest a limited number of persons with time and means to serve in governmental capacities. The very nature of the territorial system lent itself to the establishment of local oligarchies.

Given this background, it is not surprising that in early Iowa Territorial politics there would be a strong element of fear concerning autocratic rule by the appointed governor, especially if the governor was a strong personality like Lucas. In the minds of both the governor and

¹Eblin, op. cit., p. 144 et al.

the legislators, there was a vestige, or at least the memory of, such tensions which had long existed in territorial government. Indeed a cleavage did exist early in the relationship between the governor and the legislative body in Iowa.

Before progressing to further developments relating to the intercourse between the governor and the Assembly, it is well to analyze the personal political bent of Governor Lucas.

Although Governor Robert Lucas was personally dubbed as a Jacksonian Democrat, it is difficult to ascertain any political party bias in his performance as governor. The one thing that seemed to characterize his personal administration was Lucas' persistence in following the letter of the Organic Law, and using, to the fullest extent, every administrative power that was afforded to him. This is not to say that these powers were used promiscuously or for political advantage, but were used to direct the function of government toward the ends he deemed most effective. Perhaps the series of vetoes which he handed to the Legislative Assembly in the early stages of territorial government are the most informative evidence of his strong will and persistence in following the explicit law.¹

Although some of these vetoed measures dealt with

¹The text of this series of vetoes appears in Shambaugh, Executive Journal, pp. 70-77.

the discharge of the governor's duties in office, there was nothing of a partisan political nature in his explanation. It is to be said to his credit that all of his vetoes were accompanied by an explanation of his reasons for such action.¹

Another characteristic of Governor Lucas, not political in nature but a primary factor in Iowa territorial politics, was his outspoken and persistent regard for a high standard of morality in the new territory. In his very first message to the legislative assembly, Governor Lucas emphasized his strong convictions on certain moral issues. At one point in his first message, after enumerating the deleterious effects of gambling and drinking, he said:

Could you in your wisdom devise ways and means to check the progress of gambling and intemperance in this Territory, you will perform an act that would immortalize your names and entitle you to the gratitude of posterity.²

He informed the Assembly that he could not "conscientiously nominate to office an individual of bad moral character, or that may be addicted to intemperance or gambling."³ He also went on to declare the immorality of the "barbarous practice of dueling."⁴ However, he opposed the death penalty, arguing that:

¹Ibid.

²Ibid., p. 50.

³Ibid. See also Brigham, op. cit., p. 133.

⁴Ibid.

...the general conclusion has been, that sanguinary punishments do not tend to lessen crime, and that the general policy of criminal laws should be to prevent crimes rather than to inflict punishment, and that all punishments should be inflicted with a view to reform, rather than exterminate the criminal. In these conclusions I heartily concur, and would wish to see confinement at hard labor for life, substituted in all cases, in lieu of capital punishment, when suitable prisons for the purpose can be had.¹

Meanwhile, if executions were necessary, they should be done "privately in the county prison, in the presence of the sheriff, and such other persons as the Court passing sentence might direct."²

Governor Lucas, as previously stated, served as the Superintendent of Indian Affairs in the Territory. The major portion of the available correspondence of Governor Lucas between August 16, 1838 and April 8, 1841, was devoted to the issues involved in the settlement of Indian affairs.³ Throughout the entire scope of this correspondence, there is a dominant theme of concern for the morals of the Indians. Governor Lucas was deeply concerned about the liquor traffic amongst the Indians. He was also worried about political corruption in the payment of annuities to the Indians. There were two issues which suggest that there was some corruption in the handling of Indian affairs. One of the

¹Ibid., p. 49.

²Ibid.

³The Letters of Governors Lucas, Chambers, and Clarke, (MSS in Iowa State Department of History and Archives, Des Moines, Iowa), Vol. 1.

governor's great concerns was the allegation that the United States Indian Agent, Joseph M. Street, was involved in bribing the Indians to pay their debts when he made annuity payments to them. The allegation was that a connection existed between Street and the fur companies who had extended credit to the Indians.¹ However, Lucas later expressed his confidence in the justice of Mr. Street's action in the payment of the annuities.²

The second issue was the influence of the trading companies over the lives of the Indians. In his annual report to the Commissioner of Indian Affairs, Governor Lucas stated:

In my last years report I stated that the benevolent designs of government towards the Indians could never be consummated until the power and influence of the traders were counteracted. That they exercised a power and control over the chiefs -- that their interests were opposed to the policy of government, and that frequently their influence were exerted to embarrass the officers of government in the discharge of their official duties -- that the laws were not only³ evaded, but violated by persons in their employ.

The strength of these moral convictions and proclamations was instrumental in the development of Iowa laws and political life. He was not hesitant in boldly asserting such influence. An act was passed on January 3, 1839,

¹Note Letter of April 8, 1841, from Governor Lucas to T. Hartley Crawford, Commissioner of Indian Affairs, found in The Letters of Governors Lucas, Chambers, and Clarke, I, p. 33.

²Letter of February 18, 1840: Ibid., p. 33.

³Letter dated April 8, 1841: Ibid., p. 33.

which prohibited the sale of liquor to the Indians and then again, in 1843, another act was passed to replace and strengthen the original law.¹

It is significant to note that Governor Lucas was upholding these high standards of morality at the same time as Governor Henry Dodge of Wisconsin Territory was under attack for being a party to some of these same problems. Dodge had been accused by Delegate J. D. Doty of personally wearing weapons, using violent measures against the Indians, owning slaves, and having personal habits which disqualified him.² This would seem to indicate the degree of moral expectations which existed in the constituency of the territories. This was expressed politically. The constitution of the Tippecanoe Club of Burlington called for the "integrity of all public servants."³ Even though this was a Whig view, it seemed to be a broader concern than that of one political party. It would indicate that Governor Lucas was expressing what he believed to be the need and the mood of the people of Iowa Territory.

Beyond these aforementioned characteristics of Governor Lucas, there is little to set him apart as a partisan politician. The only reference discovered, which

¹The Letters of Governors Lucas, Chambers, and Clarke (MSS in Iowa State Department of History and Archives, Des Moines, Iowa), Vol. II, p. 7.

²Bloom, loc. cit.

³The Hawkeye and Iowa Patriot, June 28, 1841.

relates to partisan politics, is an article entitled "Advice to Governor Lucas," which appeared in a Democratic newspaper in late 1840. It reads:

We also have a letter from Burlington, dated the 21st, which gives us little legislative news, but it appears from the drift of the letter that Governor Lucas is about to leave the ranks of his former friends, and cast himself into the arms of the Whigs - this we can hardly credit.....! He comes out too late - the old General (Harrison) will not re-appoint him, and he had better make up his mind to quit with as good a grace as possible - for out he will go - there's no mistake.¹

There is no conclusive evidence that the accusation was true, nor is there strong evidence that this would have changed his basic political convictions. His primary concern was the development of the territory in the already established pattern.

The intercourse between Governor Lucas and the legislative assembly, as well as his relations with other appointed officials, produced two basic conflicts in territorial government which shed light on the nature of political activity. These two conflicts are somewhat intertwined, but each will be dealt with separately.

One of these conflicts actually began before Governor Lucas arrived in the territory. Its roots lay in the appointment of William Conway as the Secretary of the Territory.² Conway seemed to be a very zealous individual,

¹Iowa Sun, December 26, 1840. See also: "Advice to Governor Lucas," Annals of Iowa, 3rd Ser., XXVII (1945-1946), 96.

²Brigham, op. cit., p. 127.

and did not wait to undertake what he believed to be his duty. He defined the Organic Law which called for his action "in the absence of the governor,"¹ to take effect even before the governor arrived to assume his initial executive duties. He proceeded, immediately upon taking the oath of office, to issue a proclamation dividing the territory into judicial districts and would have proceeded with a proclamation to apportion representation and order an election had not Governor Lucas arrived.² There is no evidence that Lucas would have acted differently, nor were these decisions reversed.

It is helpful to examine the background of Secretary Conway. Before his appointment as Secretary, Conway had edited a small political paper in Pittsburgh which had supported President Jackson for election. The paper, like the editor, was violently partisan. It was his support of Jackson that won him the appointment as Secretary of Iowa Territory in June of 1838. He had no previous political experience.³

The reaction of Governor Lucas to the usurpation of his powers was not immediate. In fact, he gave no formal indication that he was displeased with the actual work that

¹Shambaugh, Documentary Material Relating to the History of Iowa, I, p. 103.

²Brigham, op. cit., p. 127. Also: Shambaugh, Executive Journal, pp. 4-13.

³Theodore S. Parvin, "The Quarrel Between Governor Lucas and Secretary Conway," Annals of Iowa, 3rd Ser., II (July-October, 1895), 221-224.

had been done. He did not even make mention of the fact in his first message to the Assembly. However, the seed had been sown and there is evidence that the seeds of quarrel germinated steadily until there was open conflict. In the meantime, Conway had been in conflict with the House of Representatives over the payment of moneys requested for various supplies and expenses. However, this conflict came to an apparent end with Conway acceding to the requests of the House in exchange for erasure of the record concerning the conflict.¹ But the conflict between Lucas and Conway was just beginning to develop. In a letter, dated December 26, 1838, Lucas protested Conway's failure to pay for furniture in the executive office.² In this letter the language and demands which Lucas voiced were indicative of some strong feelings against Conway. These feelings were most likely the product of the earlier action of Conway.

In January, Secretary Conway answered Lucas' demand for payment for furniture and supplies for the executive office by indicating that this money should come out of money allotted for "contingent expenses of the Territory."³

In response to Conway's concerns about expenditures, the House passed a bill to appoint Conway as "Fiscal Agent"

¹The full disclosure of the conflict between the House of Representatives and Secretary Conway is found in: Journal of The House, 1838, pp. 19-117.

²Shambaugh, Executive Journal, 1838-41, p. 69.

³Shambaugh, Documentary Material Relating to the History of Iowa, p. 112. Also: Journal of The House, pp. 279-282.

of the legislative assembly which Governor Lucas promptly vetoed on December 29, 1838.¹ This was one of a series of seven vetoes handed down by the Governor during the first assembly's session. Basically, all of these bills were measures which dealt with the intercourse between the executive and legislative branches of government and some matters which were of a non-political nature. In each case the governor returned a summary of his objections to the bills. Some of his objections were based on the Organic Law, but, at times, his own strong personality was revealed as in the message accompanying his veto of a measure to force him to report the status of all measures to the Assembly in a reasonable time, which he had been negligent in doing. To this he declared that he "saw no place in the Organic Law vesting in the legislative body the right to dictate to the executive in the discharge of his official duties."²

Throughout the remainder of Conway's service, there was continual conflict between himself and Governor Lucas.

Meanwhile, the issue of the veto power of the governor intensified in the Assembly. As a result of several vetoes, there were two developments in the Legislature. First of all, a memorial to Congress was drafted to request

¹Shambaugh, Executive Journal, 1838-41, pp. 72-73.

²Brigham, op. cit., p. 133. Also: Shambaugh, Executive Journal, 1838-41, pp. 70-71.

a change in the Organic Law which would allow the legislature to override a veto. This, no doubt, resulted in the action of Congress in 1839 to qualify the veto power of the Governor in both Wisconsin and Iowa.¹ On January 15, 1839, the House drafted a second memorial to Congress, requesting that Governor Lucas be removed from the governorship of Iowa Territory. The partisan nature of this memorial is, at the most, very weak as those voting for his removal were divided as follows: seven Democrats and five Whigs. Two Whigs and eight Democrats voted against his removal.² Furthermore, some of the same leaders were involved in both issues, including Thomas Cox, James Grimes, and Stephen Hempstead. It is safer to say that this memorial emanated from the veto issue. The real division seemed to arise between the pro-Lucas and anti-Lucas factions.

It was in response to the ensuing criticism of his office that Governor Lucas revealed that his conflict with Conway had started early and had not diminished. In a letter to Secretary of State John Forsyth, dated March 12, 1839, Lucas referred directly to Secretary Conway:

On my arrival in the Territory, I found that Secretary Conway had assumed the executive prerogative, had issued a proclamation dividing the territory into judicial districts, and was about issuing a proclamation apportioning the

¹Eblin, op. cit., p. 187.

²Journal of The House, 1838-1841, p. 257. The leaders in the House who were in favor of this memorial included Bankson, Cox, Grimes, Hall, Nowlin, Porter, Roberts, Summers, Swan, Taylor, Toole, and Wallace.

representatives and ordering an election. He handed me the draft of his Proclamation and left for Davenport in less than an hour after my arrival at Burlington. Subsequently, he has not only done nothing to render me assistance, but is generally believed to be the prime mover of the opposition to my proceedings, and the author of the documents forwarded to¹ Washington by the members of the Legislature--.

The validity of this accusation is questionable. A further letter of Lucas to Forsyth, dated May 14, 1839, reads:

The Secretary of the Territory, is still absent from the seat of government, and no attention has yet, been paid by him, to any duty, connected with the Executive department of the Territory.²

The implication here is that Lucas himself saw the conflict as one of personal differences and even attributed his problem with the Legislative Assembly to his conflict with Secretary Conway. There is no intimation that he viewed the conflict as a political question. On the other hand, it is indicative of the personal and pragmatic nature of politics in the early period of Iowa Territory. The men with strong leadership abilities were individualists who seemed to thrive on exerting their individualism. They had particular goals in establishing the territory which they sought to achieve by personal influence instead of through partisan organization. It reflects something of the power exercised by the governors who were not as committed to their constituency as they were to Congress and their

¹Shambaugh, Executive Journal, 1838-41, p. 112.

²Ibid., pp. 118-19.

record with that body.

Much could be said about the use of the veto during this early period. However, it was not a unique phenomenon in Iowa. It was part of the entire Territorial system. There is little viable evidence that the use of the veto, in Iowa Territory in these early days, was more than an attempt to construct the laws and procedures of the Territory in strict accord with the Organic Law.¹ In a general analysis of the veto in all of the early territories, Eblin suggested that:

In light of the number and kinds of laws vetoed, and the apparent reasons for vetoing them, for example, one is led to the conclusion that with few exceptions, the governors were cautious and legally correct. The use of the veto does not show governors to have been petty or vindictive. Nor does the evidence suggest that they used the veto for political purposes on other than rare occasions.²

He further suggested that:

...relative to the total volume of bills, the veto power could not have played a very significant part in territorial legislation, and certainly did not warrant the criticism its use occasioned.³

However, the conflict in Iowa Territory was strong enough to motivate Congress to change the law in regard to the veto power⁴ and, as well, provide for certain officers to

¹A complete discussion of the Veto is found in Eblin, First and Second Empires, pp. 171-200.

²Ibid., p. 200.

³Ibid., p. 194.

⁴Shambaugh, Documentary Material Relating to the History of Iowa, I, p. 117.

be elected instead of appointed. These offices included sheriffs, judges of probate, justices of the peace, and county surveyors.¹ Lucas was reportedly pleased with the action to make these offices elective² but there is no reason to believe he was happy with the loss of the veto since his use of the same was based on some strong convictions concerning his power and responsibility.

Although there is little evidence of partisan politics in these conflicts, there is every reason to believe that they may have served as the source of political activity and organization. It had become evident that group action would get results in Congress and that further organization would be necessary to seek the realization of goals set by the various interests of the territorial population. It might be stated that the executive influence on political development was more indirect than real.

The remainder of the Lucas Administration was relatively peaceful and constructive in nature. He was succeeded in office by Governor John Chambers, appointed by President Harrison in 1841. He, however, did not reach Iowa until after the death of President Harrison.³

The advent of a Whig governor in Iowa suggests that

¹Ibid., p. 188.

²Brigham, op. cit., p. 134.

³John C. Parish (ed.), Autobiography of John Chambers, (Iowa City, Iowa: The State Historical Society of Iowa, 1908), p. 24. Also see John C. Parish, John Chambers (Iowa City, Iowa: The State Historical Society of Iowa, 1909).

political struggles were about to occur due to the Democratic majority in the Assembly. However, this was not the case. There were to be several events during his administration which would take on political significance, but Governor Chambers was not to be a central figure in the actual development of political issues.

As was the case with Governor Lucas, Chambers was also the Superintendent of Indian Affairs. Due to the rapid growth of population in the Territory, there was continual pressure to advance the acquisition of land from the Indians and to deal with the manifold problems that accompanied such growth. It was the one thing which probably took more of the time and effort of Governor Chambers during his administration than any other concern. His concerns with the administration of Indian affairs were very similar to those which were evident in the Lucas administration. He was also concerned about and worked ardently to prevent the demoralizing effect of greedy traders and the increasing traffic of liquor to the Indians.¹

There was never any doubt about the personal politics of Governor Chambers, but there are doubts as to his aggressive political ambitions. By his own admission, he was not anxious to accept the appointment by President Harrison, but did so by indicating to Harrison that it "was

¹Letters of Governors Lucas, Chambers and Clarke, Vols. I & II.

probable that I should retain that office but a short time."¹ Chambers said very little in his autobiography concerning his governorship in Iowa. However, what he did say indicates that his political loyalties were solid and his analysis of his opposition rather harsh. In reference to his appointment by Harrison, he wrote:

I served under his appointment four years, was reappointed by President Tyler [sic] and removed by James K. Polk, about six or seven months after he came into the administration to make room for a political partisan. This probably saved my life for the time being, for my health had so entirely failed that that I could not have sustained myself under a further prosecution of the laborious duties of office. I should too have considered myself in some measure degraded by holding office subject to removal by Mr. Polk. I knew the man personally--he was a third rate statesman, a sprightly county court lawyer and an unscrupulous partisan.--Peace be to his ashes.²

He appears to have been a man interested in a job well done, but gave little evidence of personal partisan political struggle in Iowa Territory. There certainly were differences of opinion, but no open conflict beyond an early resolution by the legislature which accused him of being an enemy of the western settler.³ It is hard to discern what motivated this charge beyond the fact that Chambers was a minority governor, had not been a resident of the

¹Parish, Autobiography of Chambers, p. 24.

²Ibid., p. 25.

³Iowa Standard (Iowa City, Iowa Territory), June 10, 1841.

territory, and was appointed by a Whig President. All of these elements of territorial politics were becoming rather odious to the Iowa Assembly. Beyond this was the fact that the appointed governor limited the opportunities of local politicians.¹ However, there was no delineation of charges which would have smeared him politically.

The most important political involvement of Governor Chambers was his role in the movement for Iowa statehood. Like Lucas, Chambers was amenable to, if not anxious for, statehood. In his first message to the Legislature, he called for a second vote on a Constitutional Convention due to the increase in population in the Territory. The first vote on the question in 1840 had been soundly defeated. His actual involvement in the question, however, seems to have been limited to legal and practical objections or proposals in the development of the Constitution.² A full discussion of this issue appears in a later chapter.

Perhaps the nature of Governor Chambers' political effectiveness is best summarized in an article appearing in the Democratic Iowa Transcript at the time of the election of President Polk, a Democrat. The expectations were that a Democrat would be appointed governor of Iowa. In regard to the re-appointment of Governor Chambers, the editor wrote:

¹Eblin, op. cit., p. 200.

²Brigham, op. cit., p. 143.

Political opponent as he is, we confess we are better pleased with this annunciation than we would have been had any of the Millers, Ellises, etc., spoken of as likely to receive the appointment been sent us. We can respect an open and consistent opponent, but the huckstering, trading, and mercenary politician, fails to excite any such feeling.¹

This editorial suggests that Chambers was solidly partisan, but that his political enemies did not view him as being an enemy of their actual goals for the territory.

In November of 1845, President Polk announced the appointment of James Clarke to succeed Governor Chambers. Clarke was thirty-three years of age at the time. He was a native of Pennsylvania and had worked as an apprentice printer for a period in Harrisburg, Pennsylvania. He moved to St. Louis in 1836 where he worked a short time for the Missouri Republican. He then moved to Belmont where he founded the Belmont Gazette. In 1837, he moved to Burlington and there founded the Wisconsin Territorial Gazette and Burlington Advertiser. When the Iowa Territory was created in 1838, he changed the name of his paper to the Iowa Territorial Gazette and Burlington Advertiser.

Clarke's newspaper was strictly partisan in nature and reflected the fact that he was a strong Democrat. However, he also revealed, in a letter to his father, that he had personal interests in political activity. He was intent on getting the edge on the printing for the new Territorial

¹Iowa Transcript (Dubuque, Iowa Territory), July 26, 1844.

government.¹ Clarke further indicated that he would be open to an appointment to a political position. He believed that Conway was about to be removed from office. In reference to this possibility, Clarke wrote:

The agents of the general government who are known to and have influence with the President, viz., the Governor, three Supreme Judges, four Land Officers and Marshal, have determined, I understand, to petition for his removal, and at the same time ask that I may be appointed in his stead. If tendered to me I would accept it, though I never expressed a desire to have it. Be this as it may, it is exceedingly gratifying to me to know that I am possessed of the confidence of the men above enumerated.²

When Secretary Conway died in November of 1839, President Van Buren appointed Clarke as the Secretary of the Iowa Territory where he served until 1841 when Governor Chambers was appointed. The only previous political position held by Clarke was that of Territorial Librarian in Wisconsin Territory. Between 1841 and 1845 Clarke devoted his time to his newspaper.

James Clarke did have some political connections since he had married the daughter of the Wisconsin Territorial Governor, Henry Dodge, in 1840. However, there is no evidence available which would suggest that this connection was used for political purposes. He had, at least, had a variety of experience in territorial affairs. How-

¹William Salter, "James Clarke," Historical Record, IV, (January, 1844), p. 4.

²Ibid.

ever, there is little information which would indicate that he had any strong political influence on any of the activities which occurred in the legislature during his one year term before statehood. He basically followed the patterns already established by his predecessors. Clarke did give his full support to the movement for statehood and even voiced his opinions concerning the drafting of the constitution, but there is little evidence that his views had any strong influence on that instrument of government.

Out of this study of politics on the executive level in Iowa Territory, there are some basic trends which emerge. First of all, the fact that the governorship was an appointive office, rather than an elective office, created a confidence-gap between the settlers and the "outsider" appointed to be their executive. There is every reason to believe that this factor caused much of the conflict that developed. Secondly, there is little evidence of partisan politics playing any major role in the development of government and laws due to the influence of the territorial governor. Then lastly, the reduction of gubernatorial powers along with the lack of party organization, as well as the appointive nature of his office, prevented the executive from being a political leader. For that matter, it is doubtful that political party affiliation made any difference beyond the fact of Presidential appointment. It was "personality politics" more than party politics. The factionalism that developed in regard to the three governors

was a matter of interpretation of the law and the respect which the respective governors held among the Assembly members. The conflicts where factionalism developed do not reflect party lines, but do reflect feelings for or against the office or the man serving in that office. This was probably due to the system of appointments by the President and the fact that a stranger to the Territory was appointed. There is slight evidence that personal political ambition may have been a factor in the creation of the conflicts which erupted into factionalism.

Chapter 5

POLITICS ON THE LOCAL LEVEL

There are several dimensions to the study of political activity at the local level in Iowa Territory. In this section, the author will attempt to develop some of these dimensions. A review of the nature of political party organization in the territory will be the first emphasis. Secondly, an attempt will be made to discover the actual strength of voter participation relative to the strength of voter eligibility. This study will include the vote on local and territorial issues as well as on national issues, including the vote for Territorial delegate to Congress. A third area of emphasis will be an analysis of some of the local issues and conditions which affected territorial political development. Lastly, some of the organizations which were local and political in nature will be analyzed.

As implied in previous chapters, the actual organization of political parties in Iowa Territory was rather retarded. There is little evidence of any attempts being made toward organization until 1840. Several leading Democrats, in early 1840, issued a challenge to organize the Democratic party in every county.

The undersigned, members of the Democratic party of the Territory of Iowa, conceiving it

highly necessary that immediate steps should be taken to effect an organization of the party, hereby pledge themselves to use all honorable means in the several counties where they reside to bring about that result, and they further agree to use their exertions to have Democratic delegates sent from their respective counties to the Territorial convention to be held in the ensuing summer for the purpose of nominating a candidate to Congress. Edward Johnston, Shepherd Leffler, Laurel Summers, Jos. T. Fales, G. S. Baily, John B. Lash, Jacob L. Meyers, Daniel Brewer, W. G. Cook, S. C. Hastings, J. M. Robertson, Jacob Minder, H. Van Antwerp, Thomas Cox, J. W. Parker, January A. D. 1840.¹

It is evident from the tone of this challenge that territory-wide organization of the Democrats was lacking. The impetus for this organization clearly came from the established Democratic politicians who were already holding office. It is an indication that their own elections had not been the result of party organization and campaigning.

The organization of the Whig party in the Territory appears to have resulted from the "grass-roots" and in response to the Presidential election of 1840. Before there was any attempt at territorial organization of the party, local Whig organizations such as the Tippecanoe Clubs began to spring up in many cities. The newspapers of 1841 were replete with announcements of times and places for various and sundry political party conventions and meetings such as the Tippecanoe Clubs, and other politically oriented groups.

¹Benjamin Gue, History of Iowa from the Earliest Times to the Beginning of the Twentieth Century, I (New York: The Century History Company, 1903), p. 204.

One of the documents which did appear in the news was the constitution of the Tippecanoe Club of Burlington, which was organized in January of 1841.

Its object shall be to cooperate with the Harrison party throughout the United States, by advocating the following fundamental principals of said party, viz:

One Presidential Term.
 The Integrity of all public Servants.
 The Safety of the public Revenue.
 Freedom of opinion without Proscription.
 The Purity of the Elective Franchise, freedom from official influence.
 A sound Currency, being the same for the Government as for the People.
 A limitation of Executive Patronage.
 The Government administrated for the benefit of the Governed, and such other principles as maybe vitally important to the perpetuity of our Free institutions.¹

It is interesting to note that this document revealed more about the political ideology of the Whig party than did the platforms adopted at the various Territorial Whig conventions.² Even this document does not explicitly reveal the doctrines of the Whig party.

The reason for this political activity in 1841 appears to have been the result of the national election. The Democratic platform in 1841 was developed around the issue of the national Whig victory and the need for greater or-

¹Hawkeye and Iowa Patriot (Burlington, Iowa Territory), June 28, 1841.

²The Platforms of the Whig and the Democrat parties between 1841 and 1846 are found in: Herbert S. Fairall (ed.), Manual of Iowa Politics (Iowa City, Iowa: Republican Steam Printing House and Bindery, 1881), pp. 11-18.

ganization to prevent a Whig ascendancy in territorial politics.¹ One other factor which would reflect the increased political activity was the issue of statehood. Whereas, the Territorial structure was static, the structure of state government would afford the political parties an opportunity for expression of their ideologies. Each party was anxious to incorporate its own doctrines into a constitution.

The Whigs called a convention for July 19, 1843, but it was abandoned and the central committee decided to support Wm. H. Wallace for Delegate to Congress, but no resolutions were drafted.²

The Democrats did hold a convention at Iowa City on June 26, 1843, and renominated Gen. A. C. Dodge for delegate, but did not adopt resolutions.³

The Whig party did not hold another Territorial convention until 1844, when they met in Iowa City on January 9. A platform was drawn up but no nominations were made. The Whig platform did reveal some of the basic party doctrines. The practice of political patronage by the President was denounced. There was also a call for a one-term limitation for the President. The Whigs also voiced their opposition to direct taxation and government use of the proceeds of public land sales. They contended that these proceeds

¹Ibid., p. 11.

²Ibid., p. 13.

³Ibid.

should be divided among the territories and states. The issue which was to be of greatest political importance in the development of government was that of banking. The 1844 Whig platform contended that the formation of a national bank was the answer to the establishment of a national currency which was essential for continued growth in commerce and prosperity. The Whigs also called for a tariff which would protect agriculture and industry. One statement in the platform which was a summary of Whig doctrine was "that governments should be administered so as to produce the greatest good to the greatest number."¹

The Whigs did not adopt another platform until September 25, 1846, in preparation for statehood. This platform was very similar to the one of 1844. The doctrines previously delineated were retained.²

The Democrats did not adopt platforms or resolutions between 1844 and 1846, when they met in convention at Iowa City on September 24. This platform reveals the basic doctrines which were important in the current political struggles. The second resolution of the platform lauded Congress for passage of the Independent Treasury bill and repeal of the tariff act of 1842. The platform called for equal taxation of all classes. It further declared the Democratic opposition to banks and praised the Independent

¹Ibid., p. 14.

²Ibid., p. 16.

Treasury bill for the separation of public moneys from banking institutions.¹

It is evident that Territorial party organization was very limited. The major party activity took place on the local level and in politically oriented clubs and groups. There was very little direction from the Territorial level.

There was a tendency for the Whigs to rely upon the central committee for the selection of nominees for delegate to Congress. The Democrats nominated General A. C. Dodge for all of the delegate elections after 1840. There is an evident lack of political activity on the territorial level in regard to territorial elective offices and issues. Overall, the Territory political conventions were oriented to national issues. The political party activity which influenced territorial offices and issues took place on the local level.

The available census reports for the territorial period do not include sufficient information to ascertain the actual number of eligible voters for the various elections. However, some calculations from available information give an indication of actual voter strength.

In 1838 the total population of the Territory stood at 22,859 persons.² Of this number, it is not known if any

¹Ibid., p. 17,18.

²John A. T. Hull, Census of Iowa for 1836-1880
(Des Moines, Iowa: F. M. Mills, State Printer, to Page 368. Completed by George E. Roberts, State Printer, 1883), pp. 168,9.

were Negroes. However, the census of 1840 indicates that there were only approximately 175 Negroes in the Territory.¹ Therefore, it is assumed that the number was negligible in 1838. Furthermore, the ratio between male and female population is difficult to ascertain. The 1840 census indicates that the ratio was approximately four males to every three females.² Thus it is fairly safe to assume that men comprised about 60% of the population in 1838. Again, there is uncertainty as to the ages of the population, but for this study, it will be assumed that one-half of the males would be over twenty-one years old and thus eligible voters. This is probably a conservative estimate since the census of males in 1836 indicated that 1,964 males were over 21 years of age and 861 were under 21.³ This calculation, using the 50% ratio, would indicate that there were approximately 6,900 eligible voters in the Territory in 1838.⁴

The first territorial election for which records are available was the election of the first Delegate to Congress in the fall of 1838. Of the five candidates for

¹Ibid., pp. 210-15.

²Ibid., pp. 168,9.

³Benjamin F. Shambaugh (ed.), The First Census of the Original Counties of Dubuque and De Moine sic (Des Moines: The Historical Department of Iowa, 1897), p. 45.

⁴These figures are not to be considered totally accurate, but are based on assumed ratios. Furthermore, it is assumed that the non-U.S. citizen population was negligible.

delegate, Chapman, Engle and Rorer were running as Democrats, Wallace as a Whig, and Talliaferro under no party. There is limited information to indicate the way in which these men were nominated or the issues which were involved in the campaign, if indeed there was a campaign. William W. Chapman was elected as delegate to Congress. Chapman was a native of Virginia and had also served as the United States Attorney for the Wisconsin Territory. In this election there were a total of 4,492 votes cast. This would indicate that approximately 65% of the eligible voters participated in the first election. In considering the physical distances and modes of travel, this is a significant participation.¹ The combined Democratic vote was 3,449, or approximately 77% of the votes cast.² There are no statistics available to show the actual vote for the Legislature, but, as previously noted, there was a largely Democratic legislature elected.

Although little is known about the nature of the campaign, an editorial by James Clarke gave some evidence of a prevailing disposition for sectional partisanship:

In one sense of the word, we are without a voice in Congress, with a prevailing disposition on the part of that body to let pass unheeded the demands of the people of a country wielding no political power it will, as [sic] heretofore, be found hard to gain its attention and just action. From the situation of a Territory, little can be done to advance it in the scale of nations, unless represented by one whose

¹Fairall, op. cit., p. 11.

²Ibid.

actions are suited to the tastes of those among whom he is sent, and who by a course of upright conduct can gain the influence of those who can be heard and felt in matters before the House. Admitting this to be the case, it behooves the people of Iowa to select the man who it is likely to be the most capable to effect that object, without for one moment interrogating those before them for their suffrages to find which will most favor their particular views or sections of Country, for it must be the pleasant and plain duty of anyone to act for the whole without regard to the sentiments prevailing alone in a minor part.¹

Clarke did not indicate the candidate he favored but was personally a strong Democrat.

In 1840 there were two elections which give some evidence as to the strength of political participation. There was the election of the Delegate to Congress as well as the vote to determine whether there should be a Constitutional Convention. There was also an election for determining membership in the Council and the House, but there are no complete statistics available on the nature of the vote.

The census of 1840 indicated that the white male population stood at 24,256.² If it is assumed that one-half of those were over twenty-one years of age, the number of eligible voters would have been approximately 12,220.

On December 3, 1840, it was reported that a total of 3,844 votes had been cast on the question of a constitutional

¹Iowa Territorial Gazette and Burlington Advertiser (Burlington, Iowa Territory), August 25, 1838.

²Hull, op. cit., pp. 168-169.

convention but "no return has yet been made from Dubuque or Jones Counties."¹ However, in the vote for Delegate to Congress, 7,595 votes were cast.² This would indicate that less than 32% of the eligible voters had bothered to cast their ballot on the convention question, while almost 63% had cast their ballot in the Delegate election. This would tend to indicate a greater interest in electing the Delegate to Congress than in the consideration of the autonomy of statehood. However, there may have been other reasons for the relatively small vote on the constitutional convention question. Those who were in favor of a constitutional convention were to mark their ballots "convention." Those who were opposed were to mark "no convention." This may have been confusing to the voters.

Something of the same nature of participation is indicated in the Henry County election. A total of 630 votes were cast in the election of a delegate to Congress, while 606 votes were cast in electing a member of the Territorial Council. Since there were two men running for each office, it appears that either there was less interest, or several voters failed to mark their ballot in favor of one of the candidates for the Council. In the race for representatives, three men were to be elected from a slate of

¹The Hawkeye and Iowa Patriot (Burlington, Iowa Territory), Dec. 3, 1840. Also: Fairall, op. cit., p. 11. Fairall uses the figures reported without any further reports from the two counties mentioned.

²The Hawkeye, op. cit.

seven candidates. A voter was to mark his ballot three times. A total of 1,693 votes were actually cast, which when divided between three offices, would total 564 votes for each of three men. Since this type of voting was rather confusing, it is likely that many voters marked their vote for less than the allowable three to be elected.¹

There was also the possibility that interest in national political affairs exceeded that of the political affairs of the Territory. There was little evident disparity in the percentage of voter participation in 1838 and 1840 as related to the delegate vote.

The partisan result of the 1840 election indicates that there was at least something of a campaign. Although there were apparently no platforms compiled, Fairall reports that "The Democrats met at Bloomington, August 19, 1840 and nominated General A. C. Dodge for delegate to Congress, while the Whigs put Alfred Rich in nomination."² There was a much more even spread of votes than in 1838 with Dodge receiving 4,009 votes and Rich receiving 3,494.³ Fairall attributed the interest to national issues:

The Fight of Forty, 1840 grew animated, owing to the pending Presidential contest. The

¹The Hawkeye and Iowa Patriot (Burlington, Iowa Territory), November 5, 1840.

²Fairall, op. cit., p. 11.

³Ibid.

Whig and Democratic parties were very active, and enjoyed a hard fight.¹

There were only four counties, Demoine, Henry, Jones, and Louisa, where Rich, the Whig candidate, received a majority of the votes. The counties which showed the largest Democratic majority were Scott, Jackson, Van Buren, and the combined vote of Dubuque and Delaware counties.²

It is not, however, clear whether the actual strength of these parties was reflected in the vote or if the strength and popularity of the candidates may have been the deciding factor. An editorial in The Hawkeye and Iowa Patriot, a decidedly Whig paper, declared that party political strengths could not be established by election results since:

...hundreds and hundreds of whigs voted for Gen. Dodge on account of personal and local considerations . . . In relation to the members of the Legislature, the party lines were not drawn in more than three counties, and from two of these counties we have Whig representatives . . . We do not know what may be the individual politics of near all the members of the Legislature, and as they were not elected on account of their party predilections, we think it highly inconsistent to characterize this honorable body as being either Whig or Loco Foco.³

The editor further called on the members of the Legislature

¹Ibid.

²The Hawkeye and Iowa Patriot (Burlington, Iowa Territory), December 3, 1840.

³The Hawkeye and Iowa Patriot (Burlington, Iowa Territory), October 29, 1840.

to "discard all mere party manoevorings [sic]." ¹ It seems to be significant that there was an effort to stifle partisan loyalties during this period. The Whigs, particularly, were not willing to admit a political defeat or that their numbers were not equal to the Democrats. Because the Whigs were a minority, they hoped to aid their cause in this way.

One further item of significance in the 1840 elections was the result of the Lee County election. In an election where 108 voters were in favor of a Constitutional convention, and 421 were opposed to the convention, there was a totally different picture in regard to local organization. On the ballot was the question as to whether the voters wanted Township organization. The vote was 412 for organization and 84 against. ²

This is certainly indicative of the strong interest in local issues which would affect the local community and the personal livelihood of the citizens. It reflects the pioneer spirit of getting personal roots established as the greatest priority. Furthermore, the average citizen was pretty far removed from national political issues since the total political strength of the territory rested in the voice of the elected delegate. And although political

¹Ibid.

²Iowa Territorial Gazette and Advertiser
(Burlington, Iowa Territory), October 17, 1840.

enthusiasm seemed to run high, the lack of actual participation in national politics left the Iowans in a frustrating position.

On the other hand, these settlers were not yet ready for the burdens of statehood. They needed time to become established and effect local organization before taking on greater burdens. The voting trend reflected this attitude.

In An Act to authorize the election or appointment of certain officers in the territory of Iowa and other places, passed by Congress, on March 3, 1839, it was provided that the delegate elected in 1840 was to serve only until March 4, 1841, and thereafter an election would again be held.¹ The result was that a new election was held in the fall of 1841. The candidates were again General A. C. Dodge on the Democrat ticket and Alfred Rich on the Whig ticket. A total of 9,142 votes were cast. The results were similar to 1840, with Dodge receiving 4,828, and Rich receiving 4,314 votes.² The annual rate of population increase between 1840 and 1844 was 14.94%.³ Thus, the increase in voters was probably due to population growth.

¹Benjamin F. Shambaugh, Documentary Material Relating to the History of Iowa, I (Iowa City, Iowa: The State Historical Society of Iowa, 1897-1901), pp. 117, 118.

²Fort Madison Courier (Fort Madison, Iowa Territory), September 25, 1841.

³Hull, op. cit., pp. 168, 9.

There is a lack of information which would reveal the nature of the campaign or the issues on which the campaign was conducted. Two counties, Henry and Louisa, showed a strong Whig majority, while Scott, Jones, and Washington counties showed a small Whig majority vote. The counties which voted strongly Democrat were Jefferson, Jackson, Dubuque and Delaware, Van Buren, and Linn. There was a slight Democrat majority vote in the other counties.¹

A vote for representatives from Lee County in 1841 indicated an increase of interest in Territorial politics. In the election, a total of 1,102 votes were cast to elect a delegate to Congress. It appears that only 996 total votes were cast for representatives.² However, since the ballots were designed with a list of candidates and the necessity of voting for three, there is the possibility that voters were confused.

In 1844, a third proposal for a constitutional convention was placed before the people. By 1844 the population of Iowa had grown to 75,152 persons.³ If 60% of the population was male, as in 1840, and one-half of the male population was over twenty-one, the eligible voters would number approximately 22,600. The total number of votes

¹Fort Madison Courier (Fort Madison, Iowa Territory), September 25, 1841.

²Fort Madison Courier (Fort Madison, Iowa Territory), August 14, 1841.

³Hull, loc. cit.

cast relative to the constitutional convention was 11,157, with 6,976 for and 4,181 against.¹ This represented a participation of slightly less than half of the eligible voters. However, it is interesting to note that two counties, Henry and Louisa, which had voted strongly Whig in 1840 and 1841 were also strongly in favor of this convention. Two counties which had voted strongly Democrat in 1841 were opposed to the convention.²

A little over a year later, the election of a delegate to Congress drew a total vote of 14,193 persons.³ Again, a not very impressive percentage of participation.

The second proposal of a constitution for the State of Iowa was presented to the people in August of 1846. It was passed by a vote of 9,492 for and 9,036 against, which represented a total vote of 18,528 persons, out of an approximate 34,660 eligible voters.⁴ It does represent an increase of interest in Territorial affairs, but voter participation was still less than impressive. In eleven counties there was a majority vote against the acceptance of the Constitution. Of these eleven counties, five had

¹Lee County Democrat (Fort Madison, Iowa Territory), May 11, 1844.

²Ibid.

³Fairall, op. cit., p. 15.

⁴This calculation is based on census report that indicates that the population grew at an annual percentage rate of 24.35% between 1844 and 1850. See: Hull, loc. cit.

shown a strong Whig majority vote in either 1840 or 1841, or both years.¹ The correlation of voting patterns in other counties indicates a very similar division. The counties which had voted Democratic were generally in favor of the Constitution of 1846, while the counties with Whig majorities were opposed. There is a very definite implication of sectional partisanship and political division at the local level.

In analyzing the less than enthusiastic participation in territorial politics at the local level, several probable factors come into focus. Perhaps one of the most general factors was the relationship between economic facts and political realities. This was an important theme during the entire period of territorial development. Eblin generalized about the early period:

In the early years of territorial development, the small population was apparently characterized by relative extremes in wealth and poverty, and it is probably correct to say that there was either no middle class or a very small one. Local government, insofar as it existed, was the preserve of the well-to-do.²

¹The counties which had shown a majority Whig vote in the election of a Delegate to Congress in 1840 were opposed to the 1846 constitution. They were Demoine, Henry, and Louisa. The counties with a majority Whig vote in the election of a Delegate in 1841 and opposed to the 1846 constitution were Henry, Jones, Louisa and Washington. See: The Hawkeye and Iowa Patriot (Burlington), Dec. 3, 1840; Fort Madison Courier, Sept. 25, 1841; and The Bloomington Herald (Bloomington, Iowa Territory), Sept. 11, 1846.

²Jack Ericson Eblin, The First and Second United States Empires (Pittsburgh: University of Pittsburgh Press, 1968), p. 55.

At the conclusion of his study of the entire period, Eblin generalized that oligarchic control and local autonomy were the basic characteristics of territorial government. These characteristics persisted throughout the entire period due to the lack of federal control and the inability or unwillingness of the governors to control the development of effective democracy and "insure the protection of individual rights."¹

Although this study does not include a thorough study of the economic background of territory politicians, the consistent number of experienced politicians serving in government would suggest that oligarchies did exist.

One of the very practical considerations to be recalled is that the overwhelming majority of the population during the period was agriculturally oriented. Except for the relative few who came to the territory with an already established affluence, the citizens were basically immersed in their own efforts to establish new homes, develop farms, and in general, provide for their day-to-day needs. Political activity was to be left to those who were more established economically or politically.

For example, of the forty-four men who served in the eight Territorial Councils of Iowa, at least twelve had served in some political capacity in Wisconsin Terri-

¹Ibid., pp. 317,18.

tory.¹ Furthermore, of the one-hundred-forty men who served in the eight sessions of the House of Representatives, at least thirty-two of them had served in a political capacity in Wisconsin Territory between 1836 and 1838.² Furthermore, eight Democrats and one Whig who were appointed by Governor Lucas, in January of 1839, to serve as Justices of the Peace, later served in the Territorial assembly.³

There is no doubt but that the politicians who sought office did so on the basis of what they could do to enhance development of local autonomy and economic needs. This is illustrated in an article entitled "Territorial and State Roads". In this article the author accused the candidates for the legislature of promising the establishment of Territorial and state roads in their sections of the Territory in order to win nominations and votes at the election. He further indicated that these were promises easily kept since there was generally little opposition to these projects in the legislature. Furthermore, the legislators practiced local patronage in appointing commissioners,

¹This figure represents a compilation of names appearing in various political positions in John Porter Bloom (ed.), The Territorial Papers of the United States, XXVII (Washington, D.C.: The National Archives and Records Service, General Services and Administration, 1969).

²Ibid.

³Benjamin F. Shambaugh (ed.), Executive Journal of Iowa, 1838-1841 (Iowa City, Iowa: The State Historical Society of Iowa, 1906), pp. 83-90.

engineers, and surveyors to locate the roads.¹ The writer further said that these expeditions turned into "real junketing, 'picnicing' excursions."² There is a sense in which this kind of activity represented the exploitation of the needs of the Territory for political expediency. It would also suggest the existence of political oligarchies in operation.

George F. Parker advanced the theory that the early political candidates were chosen on the basis of their availability instead of their ability. He also declared that there was a "principle of rotation" at work in Iowa politics which restricted politicians from succeeding themselves. Instead this principle promoted the idea of passing these offices around. Parker further declared that a superior order of men came to the front and were generally prosperous farmers who were the elite leaders of their communities. They were considered the "elder statesmen of a given county."³ This analysis suggests a strong influence of an elite and prosperous order of local leaders on the political development of Iowa Territory.

A further dimension of territorial life, which reveals the nature of the people and their interest in

¹"Territorial and State Roads," Annals of Iowa, 3rd Ser., IV (1899-1901), p. 72.

²Ibid.

³George F. Parker, Iowa Pioneer Foundations, I (Iowa City, Iowa: The State Historical Society of Iowa, 1940), pp. 165-177.

politics, is the available evidence of social functions. In dealing with this subject, Shambaugh indicates that social activity in Iowa City was plentiful. There were various activities from Temperance and Moral reform groups to political lyceum and discussion groups. However, the nature of these programs is quite revealing. For example, the Young Men's Lyceum discussed such questions as:

Is the late Treaty of our Government with Great Britain beneficial to the United States--
Would it be good policy for the United States to repeal the Naturalization Law--Would it be good policy for the United States to take possession of Oregon Territory by force--
Were the Crusades beneficial to Christianity--
Who was the greatest General?¹

Many other groups were meeting with similar discussions. All of these topics were no doubt worthy of discussion, but territorial issues were strangely absent from the topics of discussion. The major emphasis was either on local community issues or national issues.²

In regard to actual political interest, Shambaugh reported:

In general the citizens of Iowa City seemed more interested in national issues than in local politics. This attitude is reflected in the local press, where many columns were devoted to national politics while only a few inches were filled with local affairs.³

¹Benjamin F. Shambaugh, The Old Stone Capital Remembers (Iowa City, Iowa: The State Historical Society of Iowa, 1939), p. 248.

²Ibid., pp. 244-262.

³Ibid., pp. 264,5.

The one exception was the question of a Constitution and Statehood.¹ However, this was the nature of all the newspapers during the period.

The general interest of the citizens was basically both community oriented and nationally oriented throughout the entire period. Even in the days of preparation for Statehood, Alfred Hebard reported that:

Our settlers, however, were more interested in improving their claims than they were in national politics and would have lapsed into a state of partial neutrality if left to themselves. Not so with the aspirants of our villages...All these aspirants were earnest advocates of an early State government and were impatient of territorial days...As the time of statehood finally approached, public rumor affirmed that sixty different parties, "dark horses" and all, were willing to forego prospective fortunes in their various callings to serve the new State in the more honorable wing of the Capitol at Washington. Strange to say, State offices went comparatively begging. The² office of Governor even had minor attractions.

His analysis suggested that local interests and national interests both took precedence over Territorial issues.

One of the dimensions of local political activity, which is extremely descriptive, was the organization of land associations or claim associations. The needs of the settlers and the institutions developed to meet those needs reveal much about politics on the local level. It should be recognized that local autonomy and community

¹Ibid.

²Alfred Hebard, "Recollections of Early Territorial Days," Annals of Iowa, 3rd Ser., II (1895-97), pp. 218, 19.

political initiative started before the Territory was even established.

In 1838 the population of Iowa Territory was already around 22,000.¹ The majority of these persons were settled on Iowa lands and were involved in making improvements on their lands. However, they were not specifically protected by any kind of legal claim on their land. They were in the peculiar position of having invested their lives and efforts in something they could not legally call their own. But they were not to be deterred from their goals nor were they to give up their lands without a fight. The result was the banding together of the landholders forming claim associations to protect their claims from outsiders. This is probably one of the best examples of local political creativity and initiative. Some earlier historians have described these associations as excellent examples of early efforts to control the local community development, which was a marked characteristic of the entire period.² Edgar A. Harlan wrote:

They were a combination of an economic, social and political order. Their primary objective was the preservation of individual rights--significant in itself--and the democratization of land-holding.

¹Hull, Census, pp. 168,9.

²Edgar R. Harlan, A Narrative History of the People of Iowa, I (Chicago: The American Historical Society, Inc., 1931), p. 114.

³Ibid.

These associations were organized when the development of the territory became eminent and land offices were opened. It was apparent to the settlers that when the lands were opened for sale, buyers would naturally seek to purchase already improved lands. This the claim holders wanted to prevent. And they did so with great enthusiasm and force. It is reported that "an officer of a claim association at Fort Madison said that murder and jumping another's claim were crimes of equal guilt."¹

The best insight available into the nature of these associations is the Constitution and Records of the Claim Association of Johnson County, organized in 1839. There were some specific factors in Johnson County which somewhat differentiated this association from others, but the basic purpose was the same. Shambaugh indicated that the location of the seat of government in Johnson County brought a flood of immigrants. Among those migrating to the county were land speculators who were a real threat to the settlers. Furthermore, an act of Congress which provided a section of land for public buildings to house the seat of government "reserved the contiguous sections from sale, either at public auction or by private entry." Since this provision was not repealed for over three years, the

¹Cyrenus Cole, A History of The People of Iowa (Cedar Rapids, Iowa: The Torch Press, 1921) p. 136.

settlers who occupied those contiguous sections had no protection except through the association.¹

The organization of this association was rather tightly structured, although inclusive enough for all who needed the protection, as seen in a section of the Constitution on membership:

Any white male person over the age of eighteen can become a member of this association by signing the laws rules and regulations governing the Association. No member of the Association shall have the privilege of voting on a question to change any article of the constitution or laws of the association unless he is a resident. Citizen of the county and a claimholder, nor shall any member be entitled to vote for officers of this association unless they are claimholders, actual citizens of the County, over the age of seventeen who are acting for them selves and dependent on their own exertions, and labour, for a lively hood, and whoos parents doe not reside within the limits of the Territory can become members, of the association and entitled to all the privileges of members.²

There was also a concern that non-resident claim holders should have motives other than speculation on their claims. Section six of Article 3 was their protection:

Members of the Association who are not citizens of the County shall be required in making claims to expend in improvements of each claim he or they may have made or may make the amount of fifty Dollars with in six months of the

¹Benjamin F. Shambaugh (ed.), Constitution and Records of the Claim Association of Johnson County (Iowa City, Iowa: The State Historical Society of Iowa, 1894), pp. XVIII, XIX.

²Ibid., p. 9. This is the exact rendering without reference to errors in spelling, etc.

date of making such claim or claims and fifty Dollars every six months there after until such person or persons become citizens of the county or forfeit the same ---¹

Their interpretation of a citizen was one who had resided in the county for two months.

Although it is rather lengthy, a sample of the minutes of a meeting of the association, with all of its unique rendering of grammar, spelling, and construction, provides something of the real flavor, emotion, and strength of this association:

Iowa City July 2, 1842

In pursuance of Public notice a meeting of the Johnson County Claim association was called A D Stephen President in the Chair. On motion of C Sanders a committee of five persons was appointed to draft resolutions for the meeting whereon the following persons - was appointed said committee H Felkner S H McCrory J Harris E Myers and Mr Weis - the committee retired and the constitution was red after which the committee made the following report Resolved. that more effectually to sustain settlers in their just claims according to the customs of the neighborhood and to prevent difficulty and discord in society that we mutually pledge our honors to observe the following resolutions rigidly. That we will not associate nor countenance those who do not respect the claims of settlers and further that we will neith neighbor with them...Trade bater deal with them in any way whatever...enemys of justice and good order. Resolved that to avoid difficulty growing out of the circumstances of persons extending their improvements accidentally on the claims of others before the Lines were run thereby giving the first settlr an opportunity or advantage of Preemption over the right ful owner that any person who hold

¹Ibid., p. 10. Errors in the original.

such advantages shall immediately relinquish all claim there to the proper owner and any one refusing to do shall forfeit all claim to the right of protection of the association. ⁴ Resolved that we discountenance any attempts on the part of any and every person to intrude in any way upon the right ful claims of another and that the presumption is that a person thus attempting to take away a portion of the hard earnings of the enterprising and industrious settler is dishonest and no Gentlemen On motion the resolutions were unanimously adapted. On motion resolved that the proceedings and resolutions of this meeting be published in the "Reporter and Standard On motion the association adjourned S H McCrory Sect.

There is probably no other document available which so adequately describes the nature of this dimension of politics at the local level. It reveals their attitude toward their social structure as well as their attitude of ownership even though they had no legal title. Their prime interest was the protection of their economic future, which rested on their claim of individual rights to hold the land they had settled and improved.

The real test of strength for the association came at the time of the land sale:

Each claimant was expected to be ready with his cash, attend the sale and secure his home. ...For purposes of greater security to the claimants, all the claims were bidden in by one man, their representative. All the business of the day was between the United States official and the representative of the claimants, who attended the sale to prevent others from bidding. It seldom happened that this was

¹Ibid., pp. 19,20.

attempted. When it did occur it was the "duty" of the nearest man to "Strike! for his altars and his fires!" to "knock the stranger sensible!" before his bid was recognized. According to the decisions of the association this land could be sold to no one but the recognized claimant, and it should all be sold at the minimum price, one dollar and twenty-five cents per acre.

Although there was often a great show of strength, there is little evidence of actual violent attacks. The strength of the association seems to have been sufficient to deter those who would have otherwise encroached upon their claims.

Although earlier historians have described these associations as democratically motivated and benevolently operated and controlled, a careful analysis of these institutions must also include the possibility that speculator interest and local oligarchies were influential. Since it was apparent that the Territory was to be created, there was every opportunity for speculators to take advantage of the opportunity to stake claims and then develop institutions to protect those claims. There is certainly evidence that these claimholders held a great deal of power in the sale of land and its subsequent development. It is an evidence of a type of local oligarchic control.

Party organization was rather sporadic in Iowa Territory. It would appear that the primary political activity proceeded on the local level without a great deal of

¹Jesse Macy, "Institutional Beginnings," Annals of Iowa, 3rd Ser., III (1897-1899), p. 329.

direction from any central organization.

Secondly, the evidence advanced would indicate that there was a fairly consistent voter participation throughout the period. Even with the increase of population, the percentage of voter participation remained rather static. National politics maintained a high rate of interest throughout the period. Voting patterns indicated that sectionalism was a central feature of political partisanship.

Thirdly, there are many indications that local politics were controlled by a limited number of citizens who were either the elite in their communities or possessed strong leadership abilities, or both. Even the development of local political institutions such as the claim associations was conducive to local oligarchic control.

Chapter 6

POLITICS IN THE DEVELOPMENT OF STATEHOOD

The basic outlines of Iowa's evolution from territorial status to statehood and the political history of the constitutional conventions are well known and have been alluded to in this paper. This chapter will summarize the chronology of the statehood movement during the period 1839-46.

The emphasis here will be upon the politics of the statehood question and the involvement of the Whig and Democrat parties in the development of statehood.

The first official call for statehood originated with Governor Robert Lucas. As already noted, he called for a vote of the people on this question in his second address to the legislative assembly in 1839. Lucas supported the statehood movement throughout his tenure and his successors, John Chambers and James Clarke, were also ardent advocates of Iowa's entry into the Union.

Territories "were at best states in suspension, without full autonomy and voting representation in Congress" and it was assumed that statehood was the ultimate goal for each territory. But the governors were in a situation where they were generally considered aliens in

the territory, responsible to a distant head, and with little power to act as effective leaders.¹ By the time of the creation of Iowa Territory, the governor had become "little more than a bureaucrat issuing commissions of appointment."² The support for statehood reflected the desire of the governors to assert political leadership in a concrete development, and perhaps as well, to implement their own political philosophies in the form of a Constitution.

Beyond the initial impetus of the governors who could only advise on the matter, the legislative assembly had the authority to call a territorial election for the purpose of ascertaining the will of the people on the statehood question. The question was placed on the ballot in the general election of October, 1840. As already noted, voter interest at this time was decidedly opposed to statehood. The actual count was 937 in favor and 2,907 against. The question which needs to be answered is, why?

There is limited historical evidence available to explain the politics involved in the overwhelming rejection of statehood in 1840, but the debate on the issue in the House revealed the standard arguments used by those on both sides. An editorial of the Iowa Territorial Gazette and Burlington Advertiser summarized the issues in the debate.

¹Jack Ericson Eblin, The First and Second U.S. Empires (Pittsburgh: University of Pittsburgh Press, 1968), p. 200.

²Ibid., p. 168.

The journal of the Second Legislative Assembly also contains valuable information on the debate.

There were several objections to any measure looking forward to state government. The first objection was that the subject was being discussed without any instruction from the constituency. The second objection was that Iowa was unable to bear the expense of state government. To support such a venture would mean that government would have to either resort to direct taxation or the sale of state bonds. The main objection to direct taxation was the inequality which would befall those who had actual title to their lands. Since some land was not yet secured from the Indians and many claims were not settled, there were numerous settlers who held no clear title to their farms. A third objection, which may have been more sentimental than factual, was that many of the citizens had come from Illinois to escape such taxation. The final argument offered against statehood was that "with the exception of the choice of their own Governor, Secretary and Judiciary, the people are at present in the enjoyment of all the political rights to which they would fall heir under a State government;"¹

A report presented to the Second Legislative Assembly by a "select committee appointed to take into consideration the propriety of adopting measures for admission

¹Iowa Territorial Gazette and Burlington Advertiser (Burlington, Iowa Territory), November 30, 1839.

into the Union" summarized the arguments in favor of state government. One of these was that by the time of the proposed admission, Iowa would have the necessary numbers and prosperity to support a state government. A second argument was that the five percent revenue which the state would receive from the sale of public lands and other federal donations would "enable the people to bear this expense [state government] without any great inconvenience."¹

The committee report, presented by Stephen Hempstead, a member of the Council from Dubuque, emphasized that the "First advantage to the people under a state form of government is the right and privilege of sovereignty and independence." The committee felt this alone should be sufficient cause to "arouse them [Iowans] from political infancy under a colonial or territorial form of government." Another strong argument used by statehood advocates was that "liberal donations" from the federal government would permit Iowa, when admitted to statehood, to "establish one of the most excellent systems of common schools...."²

Yet another argument for statehood was the expectation of increased prosperity, and the examples of Arkansas

¹ Journal of the Council of the Second Legislative Assembly of the Territory of Iowa at the Special Session which Convened at the City of Burlington, July 13, 1840 (Des Moines: Historical Dept. of Iowa, 1902), p. 34.

² Ibid.

and Michigan were frequently cited.¹

There were some evident political divisions interwoven in these arguments. The Whigs were definitely opposed to direct taxation and embraced the idea that agricultural interests should be protected against taxation.²

The Whigs were, moreover, probably opposed to statehood due to their minority position in the territory. Many Whigs felt the dominant Democrats would control the constitution-making process and later monopolize state offices.

The lack of interest in statehood at the local level was due to several factors. The first call for statehood had originated with the governor and the legislative assembly, and was not motivated by local interest in the subject. Furthermore, the Territory was being governed without burdens of taxation to the constituency. At this point in Iowa's territorial development, the economy and social development were still in the infant stages. The average citizen had not yet realized the adequate development of government on the local level, which was of greater importance to him than a distant state government. Lastly, there was a degree of security in the voice of a delegate to Congress and the administration of the Territory from Congress. These early citizens of the territory were more

¹Iowa Territorial Gazette and Burlington Advertiser, November 30, 1839.

²Herbert S. Fairall (ed.), Manual of Iowa Politics (Iowa City, Iowa: Republican Steam Printing House and Bindery, 1881), p. 14.

concerned with local government and planting their own roots.

The 1840 vote on the question of a constitutional convention did not reveal any definite political patterns. Only Linn County had a majority in favor of the convention. This county showed a majority Democrat vote in the same election for delegate to Congress. Des Moines, Henry and Louisa counties had cast a majority Whig vote for delegate but were opposed to the constitutional convention.¹ Although there were definitely political divisions on the question, the vote seemed to reflect the mind of the people on other than political issues involved in the question.

In 1842, the question of statehood was again put before the people and again it was rejected. The final vote was 6,825 against and 4,129 in favor. In this election, there was evidence of a greater degree of citizen interest as well as political interest. The Whigs of Johnson County made public their opposition to statehood and revealed as well their opposition to taxes which they believed to be inevitable in statehood. The Johnson County Whig convention declared:

That we look upon the proposition to erect this territory into State jurisdiction, as being premature and calculated, if carried into effect, to increase our present economic embarrassment, and load us with new burthens [sic], without yielding us any adequate return of political

¹The Hawkeye and Iowa Patriot (Burlington, Iowa Territory), December 3, 1840.

security, happiness, or freedom.¹

There is an implication in this statement that political offices could not be secured for the Whig party.

Since neither party adopted a platform in 1842, there was no evidence on the real stance of the parties as to the question of statehood. The Territorial newspapers carried the majority of the discussion. It is difficult to know whether these newspapers spoke for a large constituency or whether they represented the political feelings of the particular editor. There is no doubt but that the editorials reflect some fiercely partisan views. References to the question of statehood were centered around some of the basic objections to the whole concept, including the financing of such a venture, the burden of taxes, and the size of the Territory.

In January of 1842, an editorial in the Lee County Democrat attempted to show the small cost of state government:

State government would cost about \$50,000
per annum - pop. in 1840 was 43,000. pop.
doubles once in about two years. If government
were supported by taxation it would run less
than 50¢ per person.²

One week later the editor further delineated the benefits of a state government. Among these was the fact that when

¹Iowa Standard (Iowa City, Iowa Territory),
May 14, 1842.

²Lee County Democrat (Fort Madison, Iowa
Territory), January 8, 1842.

statehood finally arrived it would give them 500,000 acres of land. The implication here was that the sale of land would finance government and provide funds for the river improvements. There would also be a better opportunity to have the Rapids in the Mississippi improved since other states had been more successful in securing federal help for such improvements after admission into the Union.¹

There seemed to exist a mood of deceptiveness amongst many of the politicians, as well as the newspaper editors, in matters of party affiliation. There was a call from both sides to lay aside party influences. The Lee County Democrat ran an editorial concerning the upcoming election on the statehood question:

Upon this question, party feeling should have no influence. Act with an eye single to the advancement of the Territory and the good of the people, and you will act right.²

This was early in the discussion.

On the other hand, the Whig newspaper ran an editorial which sought to inform Iowans concerning the election to decide the formation of a State constitution. The editors, in relating all the former arguments in support of statehood, said: "We were anxious to show that it even has ben [sic] disconnected with politics, as gentlemen

¹Lee County Democrat (Fort Madison, Iowa Territory), January 15, 1842. Also: Iowa Capital Reporter (Iowa City, Iowa Territory), June 11, 1842.

²Lee County Democrat (Fort Madison, Iowa Territory), December 18, 1841.

acted together on this subject. And such we may add is the case at present."¹

There were similar claims and accusations in the legislature. It was reported that some of the Whigs were even trying to disown their President:

Mr. Arnold, a Whig member in Congress in a speech recently made before the House repeatedly denied that Mr. Tyler is a Whig, and declared he is a worse loco foco than even Mr. Van Buren was.²

The editor clearly stated that he was not for Tyler but saw "no reason for the Whigs to disown him now. He stands for the things he always did."³

The implications of these accusations and claims are rather clear. While the Whigs were projecting an impression that they had more members than the vote reflected, the Democrats were accusing them of trying to gain Democrat votes by making their president look like a Democrat. The call by both sides to vote on issues instead of party was indicative of a clear political division.

It is apparent that the Democratic editors were for state government and every opportunity was used to expound upon the values of such a move. One such effort was an editorial which endeavored to depict the enlightened views of the immigrants to Iowa:

¹The Davenport Gazette (Davenport, Iowa Territory), July 6, 1842.

²Lee County Democrat, January 29, 1842.

³Ibid.

Every day affords us new proofs of the popularity of a State Government. In addition to many of our fellow citizens whom we met at the recent session of the District Court, we have conversed with more than a few immigrants who have landed in great numbers for several months past on our soil, and we found but few who were not gratified with the anticipated change of our government - a change from Colonial subjection to Independence. They said you ought to form the best constitution in the Union for your new State - you have the example of all the other members of the Union before you - you can protect your citizens by constitutional provisions against wild schemes of internal improvement and consequent State debts, and now when "times are hard" and money scarce, you will most undoubtedly found an economical government, and fix the salaries of your officers at rates proportioned to the times.¹

The Democratic principles regarding banks and currency, internal improvements, and political salaries were evident in this editorial, although not explicitly stated. The Whigs advanced the doctrine that internal improvements were crucial to stimulate the economy and the establishment of a national currency and banking was the only way to activate such improvements and encourage commerce.² There was also the suggestion that the immigrant population was basically in favor of statehood. There is the strong possibility that the growth of population by immigration, and the strength of their vote, helped to make the difference in April of 1844 when, in an election calling for a viva voca vote, Iowans approved by a heavy majority the convening of

¹Lee County Democrat, May 7, 1842.

²Fairall, Manual of Iowa Politics, p. 14.

a constitutional convention. The vote was 6,976 in favor and 4,181 against the calling of a convention.¹

The result of the vote revealed that seven counties were opposed to a convention. These were Clinton, Muscatine, Scott, Dubuque, Jones, Delaware, and Clayton. Three other counties, Jackson, Louisa and Linn, had less than a seven vote majority for the convention.² Of the ten, all with the exception of Dubuque, Delaware and Jackson, had shown either a Whig majority or a strong Whig vote in the delegate elections of 1840, 1841 and 1843. Thus party politics had a significant impact on the statehood question. It was evident that statehood appealed to a majority of Iowans, but the uncertainty of future political control and influence caused Whigs to oppose the proposition.³

The provision was made that if the convention was approved, the delegates to a constitutional convention would be elected in August of 1844. Party lines were again drawn in the election of delegates despite the pleas for non-partisan elections. Only twenty-one Whigs were elected to a delegation of seventy-two members. There was a significant number of experienced politicians elected to this

¹Benjamin F. Shambaugh, Documentary Material Relating to the History of Iowa, I (Iowa City, Iowa: The State Historical Society of Iowa), p. 148.

²Lee County Democrat, May 11, 1844.

³This information compiled from election returns appearing in: Hawkeye (Burlington), December 3, 1840; Fort Madison Courier, September 25, 1841; and Lee County Democrat, November 11, 1843.

body. Twenty-three men had served in either the Iowa Territorial House or Council or both. One, Robert Lucas, had served as governor. Only six of these experienced men were Whigs. Significantly, these six Whigs were from Henry, Jackson, Washington, Mahaska, Jones, and Louisa counties. These counties have previously been noted as Whig strongholds. Thus it was a strongly Democratic body with some strong political leadership.¹

During the campaign preceding the election of delegates to the constitutional convention, most Whigs and a few Democrats urged non-partisan elections, "for in what appertains to the Convention from first to last, all men should lay aside every party or personal consideration."² Most Democrats, however, openly defended the drawing of party lines in the contest. The Democrats of Jefferson County, for example, viewed

the results of the coming elections with deep interest, as about to fix upon our country and Territory a lasting impression, and believing the principles of democracy which we cherish to be those upon which our civil and political institutions were founded--by which they have been protected in time of peril and danger in the past--and through which they ³ will be supported and built up in the future.

¹Information compiled by comparison of delegates to Constitutional Convention with Councillors and Representatives listed in Appendix of this paper.

²Iowa Capitol Reporter (Iowa City, Iowa Territory), June 8, 1844.

³Ibid.

The editor of the Iowa Standard, a Democratic paper in Iowa City, noted that "each party expects, in the event of obtaining a majority in the Convention, that the Constitution of the State of Iowa will be modeled in a manner consistent with the principles it professes."¹

The Whig attitude was expressed by the following report of a Whig meeting held in Johnson County:

The meeting was ably addressed by the chairman and several other gentlemen, urging the necessity and duty of laying aside party strifes and party schisms in the formation of a State Constitution; that the people plant themselves on the broad ground of REPUBLICANISM; that THOSE MUNICIPAL REGULATIONS WHICH IN VARIOUS CIRCUMSTANCES ARE SUBJECT TO FREQUENT CHANGES, AND THAT ARISE IN AND FLOW FROM THE CONDITION OF THINGS, BE LEFT FREE FOR FUTURE ACTION OF THE PEOPLE AND FUTURE LEGISLATION; and that a candidate be chosen who will not act for a party but for the people.²

The "municipal regulations" referred to regulations governing banks. Whigs then and later wanted to leave the issue to future state legislatures while most Democrats wanted constitutional prohibition of banks.

The partisan newspapers continued their verbal battles throughout the summer of 1844. One of these outstanding battles was between the Democratic Bloomington Herald and the Whig Iowa Transcript.³

¹Iowa Standard, July 18, 1844.

²Iowa Transcript (Dubuque, Iowa Territory), July 26, 1844.

³Ibid.

On October 7, 1844 the constitutional convention met in Iowa City. Of the seventy-three elected delegates, seventy-two participated in the work of the convention. As indicated earlier, the Democrats dominated the proceedings with two-thirds of the membership. The deliberations and results of this convention will now be analyzed for the purpose of identifying the political issues raised in the convention and assessing the Whig and Democratic positions on these issues.

One of the most important and divisive issues to arise in the convention was that of banking. The banking issue had been a long-standing political question in the country. Nationally and also in the Territory of Iowa the Whigs had supported banks while most Democrats had strongly opposed them. In the constitutional convention, however, the banking issue was not decided on strictly partisan lines.

The task of drafting the section of the constitution dealing with banks and banking fell to the Committee on Incorporations, composed of seven Democrats and two Whigs. The Democrats on the committee were Stephen Hempstead (Dubuque), James H. Gower (Cedar), George Hepner (Des Moines), William R. Harrison (Washington), John Hale (Van Buren), Calvin J. Price (Lee), and Michael O'Brien (Dubuque). The Whig committee members were Ralph P. Lowe, a leader of the antistatehood forces and (ironically) a future governor

from Muscatine; and Wright Williams of Louisa.¹

The committee produced two reports, a majority report and a minority report. The majority report recommended that, "one Bank be established in this State with branches, not to exceed one for every six counties."² The minority report, supported by Democrats Hempstead and O'Brien, recommended, "that no bank or banking corporation of discount, or circulation, shall ever be established in this state."³ When the constitution was finally drafted, it did provide for banks to be established although they were to be strictly regulated. This decision reflected the fact that many of the democrats were not totally opposed to banks. It was former Governor Robert Lucas who led the drive for a compromise on the issue.⁴

There were several other controversial issues which arose during the convention, but did not reflect strong partisan divisions.

¹Gordon L. Burstein, "Iowa's Ban on Banking: A Product of State and National History and Politics," (unpublished M.A. thesis, Drake University, 1972), p. 62.

²Benjamin F. Shambaugh (ed.), Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846 (Iowa City, Iowa: The State Historical Society of Iowa, 1900), p. 67.

³Original Papers of The Constitutional Convention of 1844, Acts and Journal (MSS in Iowa State Department of History and Archives, Des Moines, Iowa), p. 30.

⁴Shambaugh, op. cit., p. 81.

When the Constitution was complete, it was submitted to Congress on December 9, 1844. By March, 1845, a resolution was passed admitting Iowa into the Union. However, the people of Iowa rejected the Constitution in April of the same year. Since the Constitution was drafted by a Democratic majority elected by a supposed Democratic majority at the local level, then why was it rejected?

The answer to this question seems to lie in the fact that the United States Congress had altered the boundaries of the State to "form an elongated State, three hundred miles along the Mississippi and of a width of some one hundred and sixty miles."¹ These altered boundaries were accepted by Delegate Dodge who urged the voters of the Territory to ratify the Constitution with the new boundaries.²

The voters of the Territory were vitally concerned with the boundaries. Several Democrats felt strongly about the boundaries and worked hard to urge the people not to ratify the Constitution. Cole credited three men with doing the task:

In that emergency, Theodore S. Parvin, Enoch W. Eastman, and Frederick D. Mills, 'all young men and Democrats', united in an effort to defeat what Congress had mangled. They scouted Dodge's letter and declared that they were willing to accept the barren and sterile 'Hills of the Prairie' to get to the Missouri. They went up and down the Territory urging the people not to ratify the Constitution as amended.

¹Cyrenus Cole, A History of The People of Iowa (Cedar Rapids, Iowa: The Torch Press, 1921), p. 183.

²Ibid., p. 184.

It was largely due to their efforts that on the seventh of April, 1845, the Constitution with the Nicollet boundaries was voted down by a majority of 996.¹

In his recent A History of Iowa, Leland Sage credits James Woods and particularly Shepherd Leffler with great influence in convincing many Democrats to join most Whigs in voting against ratification of the 1844 Constitution.²

The Whigs, however, had a political explanation for the defeat:

The citizens of Dubuque and the Northern counties generally, opposed it, we have every reason to believe in the hope that if the Constitution were rejected the Territory would be divided into two, leaving the northern counties to form a distinct Territory. The inhabitants of Johnson, Cedar, Linn and Muscatine favored it because it located the Seat of Government the ten succeeding years at Iowa City, at which place it is vastly to their interests to retain it. The citizens of Des Moines opposed it from a correct knowledge of the amount and fertility of Territory of which Congress had deprived it on the south. Those of Lee County advocated it because--we know of no better reason--Dodge told them to do so. Our own citizens, so far as we are capable of judging, opposed it from the obnoxious character of its provisions, influenced in some degree by the curtailment of its boundaries. And so of many of the other counties, as Henry, Van Buren, etc.³

A significant factor in this analysis was the Whig claim on certain counties and sections which had shown strong Whig strength in previous elections.

¹Ibid.

²Leland Sage, A History of Iowa (Ames, Iowa: The Iowa State University Press, 1974), p. 88.

³Gazette (Davenport), April 24, 1845.

The Territorial Assembly was so set on the ratification of the 1844 Constitution that they passed, over the veto of Governor Chambers, a resolution to resubmit the Constitution to the people for a vote. Again it was rejected by a vote of 7,235 in favor of and 7,656 in opposition to the Constitution. County votes were similar to the first vote.

This necessitated the election of a second Convention which took only sixteen days to draft a new Constitution. By this time Delegate Dodge had been re-elected on the promise that he would rectify the boundary question. These boundaries were changed to the present boundaries on the suggestion of Stephen A. Douglas, chairman of the committee on Territories.¹ The brevity of this convention was due to the fact that the first Constitution was merely overhauled instead of drafting a new document. The political strength of the delegates was similar to the 1844 convention. There were twenty-two Democrats and ten Whigs in the second convention.² Thus, the issues were similar as well.

The banking issue was again the central controversy. The convention did not prohibit banks per se, but the restrictions were so stringent, that it was near impossible to establish one. Section I, Article 9, of the new Constitution read:

¹Ibid., p. 185.

²Shambaugh, Fragments of the Debates, pp. 413-15.

No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money. The General Assembly of this State shall prohibit, by law, any person or persons, association, company or corporation, from exercising the privileges of banking, or creating paper to circulate as money.¹

There were other minor changes but none having the political controversy that the banking issue had stirred.

The political newspapers continued to debate the issues that had been controversial from the beginning. The Whigs continued to label it as the work of the Democrats:

We object to it that it is not confined to its legitimate purpose - defining the boundaries of the State - setting out a Bill of Rights - instituting offices - and putting the machinery of government in motion - but it goes further and seeks to fasten upon this people the tenets of a party...We object to this Constitution because it is essentially democratic and not intended for the citizens irrespective of party - because it has been once rejected by the people.²

In reference to the prohibition against incorporation of private companies and the state from being a stockholder in any company, the editor objected: "...thereby rendering it certain that we can never have internal improvements of any kind."³

But there had been throughout the entire Constitu-

¹Shambaugh, Documentary History, I, p. 205.

²Bloomington Herald, May 29, 1846.

³Bloomington Herald, May 20, 1846.

tional struggle other objections which were not related to the popular political issues. From Dubuque came this objection:

The most material objection we have to it, is that it does not give us a fair representation, Dubuque County having only one Representative in the lower branch of the Legislature. This is so manifestly unjust, oppressive and arbitrary, that this alone, will influence many against it.¹

This was only one of the many indications that citizen interest was related more to local concerns than Territorial concerns.

The Constitution was brought to vote in August of 1846 and was this time ratified by a narrow margin of 9,492 for, and 9,036 against the proposed Constitution, a margin of only 456 votes.²

The county vote again reflected similar patterns to previous elections. Eleven counties voted against ratification. With the exception of Dubuque County, all were counties with a strong Whig voting record.³ Party lines were definitely drawn in these counties. The counties which voted against the Constitution were Clayton, Jones, Mahaska, Van Buren, Washington, Henry, Polk, Dubuque, Muscatine, Des Moines, and Louisa. There were close votes in several other

¹The Miner's Express (Dubuque, Iowa Territory), November 8, 1844.

²Fairall, Manual of Iowa Politics, p. 15.

³The Bloomington Herald, September 11, 1846.

counties.¹ However, sectional interests were not clearly revealed by the vote.

There are several significant factors which emerge in the consideration of politics relative to the issue of statehood. It has been illustrated that the newspaper editors were extremely vociferous about the political implications of statehood and the drafting of Constitutions. However, the size of the vote would indicate that citizen interest in the question never gained the same degree of intensity. Furthermore, the fact that neither party was vocal about the issue in the adoption of platforms was indicative of the lack of organized political effort in this regard. However, the voting pattern did show some consistent political lines. The political issues which brought great controversy between the parties were reflected in the doctrines of the parties and in the nature of the vote.

Statehood was an issue that prompted many of the political divisions which had been rather latent through the territorial period. The basic party ideologies did not change appreciably, but were not nearly so crucial before the statehood question became a reality. Then both parties were anxious to mold the Constitution to fit their doctrines. Statehood was a strong motivating force in the verbalization of political issues and the welding together of both parties.

¹Ibid.

Some historians have attributed very limited influence to the Whigs of the territorial period. For example, Louis Pelzer analyzed the Whigs of Iowa as follows:

The history of the Whigs of the Territory of Iowa is the chronicle of a minority party. They never succeeded in electing a Delegate to Congress and the Legislative Assembly of the Territory was controlled by Democratic majorities. The party never secured a majority in the Constitutional Conventions, and the defeat of the Constitutions of 1844 and 1846 would not have been accomplished with an unbroken Democratic support. Territorial statutes do not bear any special marks of Whig principles. The election returns show that the Territory was thoroughly Democratic in sentiment and that the Whig party had no consistent growth as compared to the increase of the population. The party had no great mission until its heterogeneous elements under the moral stimulus of opposition to slavery extension disintegrated and then crystallized into the Republican party in the year 1856.¹

However, the record shows that Whig doctrines, although not often totally victorious, did have an influence on political development. Furthermore, there was a consistent growth in both parties which was reflected in the various elections heretofore analyzed.

Political development in Iowa Territory had been slow, but the birth of statehood was partially due to the stabilizing effect of the two party system which was quite strong by 1846.

¹Louis Pelzer, "The History and Principles of the Whigs of the Territory of Iowa," The Iowa Journal of History and Politics, V (1907), pp. 89, 90.

Chapter 7

CONCLUSIONS

When the first settlers migrated to Iowa in 1833 following the Black Hawk War, governmental jurisdiction was limited to the general provisions of the Ordinance of 1787. The first evidence of political activity was the formation of a citizens' pact to abide by established laws east of the Mississippi. During this period of limited jurisdiction, criminal acts and the need to prosecute the criminals led to the formation of a type of citizens' law or vigilante law to protect the settlers. These activities dramatized the inadequacy of current federal western policy and were instrumental in securing passage of a Congressional act to extend the jurisdiction of Michigan Territory to the Iowa District. The practical administration of local government was little improved by this act and in 1836 the establishment of the Wisconsin Territory included the Iowa area. Furthermore, the "Second-Stage" Organic Act granted representative government through the election of Councillors and Representatives to serve in the Wisconsin Territorial Assembly. The two years of experience in Wisconsin territorial government was extremely influential on Iowa territorial government. When the Wisconsin Territory was div-

ided and Iowa Territory created in 1838, the men who had served in Wisconsin became the leaders in Iowa territorial politics. This leadership had worked together for the creation of Iowa Territory, both in the Wisconsin Assembly and through the Delegate to Congress. Many of the local politicians west of the Mississippi who were later to form the political elites in the Territory of Iowa had established their ties in the non-partisan political organization formed for the purpose of creating the Iowa Territory.

The nature of the territorial system as it had developed by 1838 encouraged the development of political quarrels between territorial legislators and the federal officials. The governor, secretary, and judicial officers were appointees of the President and consequently considered to be outsiders. The unlimited veto power of the governor over legislation passed by the elected Assembly was a source of serious discord and factionalism during the early period, 1838-1839.

Political activity during the constructive period also emerged with the legislative adoption of local and territorial laws, the creation of new counties and the selection of county seats. Throughout the infant Territory of Iowa, local political leaders formed factions based not on a Whig-Democrat cleavage but on sectional or personal grounds. Intense sectional competition over the location of county seats and the distribution of federal appropriations was responsible for the development of many of the

political factions. It should be noted also that the factional leaders came from the business and professional classes in the various frontier communities.

Legislative behavior during the Iowa Territorial period was characterized by several consistent patterns. In both the Council and House of Representatives, experienced politicians from the various counties dominated legislative action. During the eight years of territorial government, there was a consistent pattern of leadership being concentrated in the Council. Although there appeared, on the surface, to be a continual turnover of Representatives in the House, there was always a strong representation of former political experience and leadership.

The early years of the Assembly were characterized by personality factions which revolved primarily around the governor and secretary. Loyalty to either the Whig or Democratic parties was not an important factor in elections to the legislature until the approach of the statehood decision. Nor was major party affiliation a significant indicator of voting behavior in the legislature during the early years. In general, the legislators dismissed ideological considerations and voting primarily for their personal or the perceived interest of their constituents.

Legislators were primarily elected on the basis of their past experience, leadership abilities, and availability. There was no evidence of any particular occupation, class or grouping being favored in representation. However,

those elected almost without exception were successful businessmen--merchants or large-scale farmers--or professional men.

The three governors who served Iowa Territory were each personally and definitely partisan. However, due to the nature of their appointed position, none of them was able to exert strong partisan leadership. The conflicts in which they became involved did not reflect party positions. Rather the conflicts centered around interpretation of the law and the personal support or opposition which developed among the individual legislators for the governor. There was always an element of mistrust of the appointed governor. Both Governor Lucas and Governor Clarke were influential in the development of statehood, but Lucas exerted a greater influence following his service as governor.

Political party organization was rather slow to develop in Iowa Territory, and central organization was effected only to a limited degree. The two parties had difficulty in holding conventions and actually developed few platforms or resolutions during the period, and were generally limited to the nomination of delegates to Congress. The party activities were primarily carried on at the local level. The major themes of the political party platforms were closely aligned to national issues and national party doctrines.

There were definite political majorities in the various counties which was reflected in voting patterns.

The growth of both parties appeared to be consistent with population growth. The voting records reflect a consistent Democratic majority but, as well, a consistent Whig strength in certain counties, such as Henry. The exercise of suffrage was strongest in the election of delegates and on local issues, but maintained a consistent level through the period.

The development of politics on the local level centered largely around local issues. Although it is difficult to unravel the complexity of local nominations and the campaigning for county and local office, all evidence suggests that party affiliation was an insignificant factor in the thinking of aspiring politicians.

There is substantial evidence that local oligarchies were influential in Iowa territorial politics. Local institutions, such as the claim associations, were dominated by men who had the largest "claims." Analysis of politicians at the local and territorial level also indicates that they were influential in a wide range of community affairs, such as the Lyceum, religious organizations, agricultural societies, Fourth of July celebrations, etc.

The real strength of partisan politics was put to the test in the development of statehood. The doctrines of the two major parties were brought to the front as at no other time. The Whig opposition to statehood was consistently reflected in the voting patterns of the counties

known to have Whig majorities and the same was true of the Democrat support for statehood. The issues which brought division in the formation of the Constitution were definitely partisan in nature. These issues served to encourage party organization and expression.

Whig and Democratic organization was very sporadic, slow in development, and incomplete until 1844. Even though there were always political voices which were fiercely partisan, particularly newspaper editors, the effect of party ideologies was limited until the time of statehood. Party affiliation had little actual bearing on much of the constructive activity of the period since it was not necessarily politically oriented. The question of local and personal interests generally took precedence over party affiliation. It is true that Whigs were more reluctant to draw party lines than were Democrats, probably because the Whigs were a minority throughout the territorial period.

When expressed, political ideologies throughout the period were closely identified with national issues. In fact, national politics, as exemplified by the intensity of the 1840 election, were a motivating factor in the development of territorial politics.

There is need for further study to be done on the local and county level in order to understand fully the nature of Iowa territorial politics.

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APPENDIXES

Table A
MEMBERS OF IOWA TERRITORIAL COUNCILS

Name	Session(s)	Origin State	Age 1844	Occupation	Residence	To Iowa	Party
Abbe, William	7,8	Ct.	44	Lawyer	Jones, Linn	1836	D
Bailey, Gideon S.	3,4	Ky.	34	Physician	Van Buren	1837	D
Bainbridge, M.	3,4	Ky.	?	Lawyer	Dubuque, Jackson	1837	D
Bradley, Philip	7,8	Ct.	35	Lawyer	Jackson	1839	D
Brattain, Paul	7,8	N.C.	43	Farmer	Van Buren	1838	D
Brierly, James	7,8	Ohio	35	Farmer	Lee Co.	1830	D
Browne, J. B.	1,2,3,4	Ky.	46	Merchant	Lee Co.	1837	W
Christie, Robert	5,6	Ohio	?	?	Scott, Clinton	1837	W
Clarke, James M.	1,2	Pa.	32	Farmer	DesMoines	1836	D?
Cook, John P.	5,6	N.Y.	27	Lawyer	Cook Co.	1836	W
Coop, W. G.	3,4,7,8	Va.	35	Farmer	Jefferson	1837	D
Cox, Thomas	5,6	Ky.	57	Farmer	Jackson	1838	D

Table A (continued)

Elbert, John D.	5,6	Ky.	38	Physician	Van Buren	1840	W
Gehon, Francis	5,6	Tenn.	47	Miller	Dubuque	1836	D
Greene, George	3,4	N.Y.	23	Lawyer	Cedar, Jones, Linn	1838	D
Hall, James	3,4	Md.	33	Merchant	Van Buren	?	W
Harris, Pleasant	5,6	Ind.	?	Lawyer	Johnson, Muscatine	1837	D
Hastings, Serranus C.	3,4,7,8	N.Y.	24	Lawyer	Muscatine	1837	D
Hawkins, Joseph C.	3	Ky.	59	Farmer	Henry Co.	1838	W
Hempstead, Stephen	1,2,7,8	Conn.	32	Lawyer	Dubuque	1836	D
Hepner, George	1,2	Ky.	38	Farmer	DesMoines	1837	D
Hughes, Lawson B.	1,2	Va.	40	Merchant	Henry Co.	?	W?
Inghram, Arthur	1,2	Pa.	66	Farmer	DesMoines	?	D
Jenkins, James H.	5,6	?	?	?	Van Buren	?	D
Johnston, Edward	3,4	Pa.	28	Lawyer	Lee Co.	1837	D
Keith, J.	1,2	Va.	58	Gunsmith	Van Buren	?	W
Kirkpatrick, Joseph S.	3,4	Ill.	38	Farmer	Jackson	1840	W
Leffler, Shepherd	4,5,6,7,8	Va.	33	Lawyer	DesMoines	1835	D

Table A (continued)

Lewis, Warner	1,2	Va.	38	Surveyor	Dubuque	1833	D
Parker, Jonathan W.	1,2,3,4	Vt.	34	Lawyer	Scott, Clinton	1836	D
Patterson, Robert M.G.	5,6	N.Y.	54	Farmer	Lee Co.	?	W
Patterson, William	5,6	Va.	43	Farmer	Lee Co.	1837	D
Payne, Jesse D.	1,2	Tenn.	41	Physician	Henry	?	W?
Ralston, Robert	1,2	Ohio	37	Merchant	DesMoines	1836	D?
Ross, Enoch	7,8	Pa.	36	Mechanic	Washington	1838	W
Shelby, Henry M.	7,8	?	?	Lawyer	Van Buren	?	D
Springer, Francis	3,4,5,6	Me.	29	Lawyer	Louisa, Washington	1838	W
Stephenson, John S.	7,8	Va.	44	Farmer	Henry	1837	W
Summers, Laurel	7,8	Ky.	30	Farmer	Scott, Clinton	?	D
Swazey, E.A.M.	1,2	Vt.	34	Farmer	Van Buren	?	D?
Teas, Joseph B.	5,6	Tenn.	?	Lawyer	Jefferson	1833	W
Thompson, John	7,8	Va.	59	Farmer	Lee Co.	1838	D
Wallace, W. H.	3,4,5,6	Ohio	33	Lawyer	Henry (Farmer)	1837	W
Whittlesey, Charles	1,2	N.Y.	37	Merchant	Johnson, Cedar Jones, Linn	?	W

Table B
MEMBERS OF IOWA TERRITORIAL HOUSES

Name	Session(s)	Origin State	Age 1844	Occupation	Residence	To Iowa	Party
Anderson, James	7	Ohio	?	Lawyer	Lee Co.	1840	W
Andros, Frederick	5	Mass.	40	Physician	Clayton	1835	D
Avery, Robert	3	Mass.	48	Farmer	Burlington	1835	W
Bailey, Gideon S.	1,2	Ky.	34	Physician	Van Buren	1837	D
Banks, Abraham T.	7,8	?	?	?	Muscatine	1836	D
Bankson, Andrew	1	N.C.	56	Farmer	Dubuque	?	D
Baker, Thomas	4,6	?	?	Lawyer	Washington	1836	D
Barton, Rickey D.	5	?	?	Physician	Van Buren	?	D
Beeler, George H.	1	Va.	45	Merchant	DesMoines	?	W
Berry, John C.	5	Va.	45	Lawyer	Dubuque	?	D
Biggs, Uriah	2,4	?	?	Surveyor	Van Buren	?	D
Blair, David E.	4,5	Ky.	49	Lawyer	DesMoines	1834	W
Blair, Thomas	1	Ky.	55	Farmer	DesMoines	1834	W
Bonney, Josiah H.	6	N.Y.	27	Lawyer	Van Buren	1839	D

Table B (continued)

Booth, C. H.	4	Pa.	30	Surveyor	Clay, Del., Dubuque	1836	D
Borland, Samuel	6	?	?	?	Van Buren	?	D
Box, John	3	Ky.	44	Farmer	Lee Co.	1833	D
Brewer, Daniel	2	?	30	?	Washington, Louisa	?	W
Brierly, James	1,3,5,6	Ohio	35	Farmer	Lee Co.	1830	D
Briggs, Ansel	5	Vt.	38	Farmer	Jackson	1836	D
Brophy, John	6	?	?	?	Clinton	?	D
Browne, Jesse B.	8	Ky.	46	Merchant	Lee Co.	1837	W
Browning, Milton D.	3	Ky.	34	Lawyer	Burlington	1837	W
Bunker, David	5(3,4)?	N.C.	34	Farmer	Washington	1839	W
Burchard, Jabez A.(Jr.)	1	Pa.	40	Farmer	Scott, Clinton	?	D
Campbell, Henry	4	?	?	?	Lee Co.	?	D
Carleton, James P.	6	Md.	32	Lawyer	Johnson	1841	D
Chandler, George	7	Me.	34	Farmer	DesMoines	1840	D
Churchman, James	2	?	?	Lawyer	Dubuque	?	D
Clark, T. T.	2	Ohio	?	?	Henry	?	W

Table B (continued)

Clifton, Charles	7,8	?	?	?	Henry	?	W
Coop, William G.	1,2	Va.	35	Farmer	Jefferson	1837	D
Cox, Thomas	1,2,3	Ky.	57	Surveyor	Jackson	1838	D
Coy, Shubael	7,8	Ct.	?	Farmer	Clinton	1837	W
Culbertson, John W.	5,6	Pa.	30	Lawyer	Cedar	1839	D
Davis, Ebenezer W.	7	?	?	?	DesMoines	1837	D
Delashmutt, Van B.	1	Va.	42	Farmer	Mahaska(DM)	1837	D
Denson, Thomas	4	?	?	Lawyer	Jones, Linn	?	D
Downey, Hugh B.	7,8	?	?	Lawyer	Johnson	1842	W
English, L. N.	2	?	?	?	DesMoines	?	D
Fay, Edward E.	6	?	?	?	Muscatine	?	D
Felkner, Henry	3,4,5	Ohio	34	Farmer	Johnson	1838	D
Ferguson, David	8	Ohio	36	Farmer	Van Buren	1838	D
Fleenor, Isaac	2	Va.	54	Farmer	DesMoines	1836	D
Flink, Joseph H.	8	?	?	?	Jefferson	?	D
Foley, John	6	Ireland	?	?	Jackson	?	D
Frierson, John	1	Ohio	40	Lawyer	Mus., Louisa Slaughter	?	D

Table B (continued)

Goddard, Eli	5	Ct.	66	Farmer	Clinton	1839	D
Graham, Thomas A.	8	N.Y.	?	?	Jackson	?	D
Grant, James	4	N.C.	32	Lawyer	Scott, Clinton	1838	D
Grimes, James W.	1,6	N.H.	28	Lawyer	DesMoines	1836	D
Hall, James	1,2	Md.	33	Merchant	Van Buren	?	D?
Hackleman, Abner	5,6	?	?	?	DesMoines	?	D
Hancock, Frederick	7,8	Pa.	30	Farmer	Van Buren	1838	D
Harper, Reuben R.	7	?	?	?	Jefferson	?	D
Hastings, Serranus C.	1,2	N.Y.	24	Lawyer	Muscatine	1837	D
Hawkins, Joseph C.	2	Ky.	59	Farmer	Henry	1838	W
Hebard, Alfred	3,4,6	Ct.	33	Farmer	Burlington	1837	W
Hendershott, David	3	N.J.	60	Farmer	DesMoines	1836	D
Hepner, George	4,5	Ky.	38	Farmer	DesMoines	1837	D
Higginson, Samuel P.	4	?	?	Lawyer	Cedar, Jones, Linn	1838	W
Holland, Joshua	8	?	?	?	DesMoines	?	W
Holliday, Samuel	4	N.C.	55	?	Muscatine	?	D

Table B (continued)

Huner, Jacob	7,8	?	?	?	Lee Co.	?	D
Isett, Thomas M.	3	Pa.	33	Farmer	Muscatine	1836	D
Jacobs, Cyrus S.	1	?	?	Lawyer (Killed-replaced by Beeler)		?	D
Jay, Evan	5	Ind.	?	Farmer	Henry	?	W
Johnson, John	6,7	Pa.	43	Farmer	DesMoines	1834	D
Johnston, Edward	2	Pa.	28	Lawyer	Lee Co.	1839	D
Langworthy, Edward	2,3	N.Y.	36	Miner	Dubuque	1830	D
Lash, John B.	2,3	Va.	36	Merchant	Henry	1837	D
Leffler, Isaac	4	Va.	29	Lawyer	DesMoines	1835	W
Leffler, Shepherd	2,3	Va.	33	Lawyer	DesMoines	1835	D
Leonard, James	7	Ct.	?	?	Jackson	1838	D
Lester, George W.	7,8	?	?	?	Van Buren	1843	D
Lewis, Isaac N.	3,5	Ky.	38	Lawyer	Van Buren	?	W
Lewis, Warner	4	Va.	38	Surveyor	Dubuque	1833	D
McCleary, George W.	6,7,8	?	?	Lawyer	Louisa	?	D
McCulloch, E. S.	4,5	Tenn.	32	Lawyer	Lee Co.	1835	D

Table B (continued)

McMichael, Archibald	8	Pa.	43	?	DesMoines	?	D
McMillen, Thomas	5	Pa.	60	Farmer	Henry	1840	W
Mason, Timothy	3	Va.	47	Physician	Dubuque	1836	D
Miller, Daniel F.	3	Md.	26	Lawyer	Lee Co.	1839	W
Mintun, Jacob	2	Pa.	47	Shoemaker	Louisa, Washington	?	W
Mitchell, Gilbert C.R.	6	Tenn.	41	Lawyer	Davenport	1835	W
Montague, George	7	?	?	?	Van Buren	?	D
Morgan, J. M.	4,5,7,8	Ohio	31	Lawyer	DesMoines	1838	D
Morse, James K.	4	?	?	Merchant	Jackson	1836	W?
Munger, Norton	7,8	N.Y.	29	Lawyer	Henry	1843	W
Murdock, Samuel	7,8	Pa.	27	Lawyer	Dubuque, Delaware, Clay	1841	D
Murray, Samuel R.	1	?	?	?	Scott,Clinton	?	
(According to Johnson this seat from Scott and Clinton Co. was successfully contested by Jabez A. Burchard.)							
Myers, Jacob L.	2	?	?	?	Henry, Jefferson	?	W
Newell, Joseph	5	?	?	?	Louisa	?	W

Table B (continued)

Noble, Richard	7	Ireland	34	?	DesMoines	?	W
Nowlin, Hardin	1,6	Ill.	40	Farmer	Jackson, Dubuque, Clayton	1833	D
Owen, Joshua	2	?	49	Farmer	Lee Co.	1835	D
Parker, Samuel	1	Va.	40	Farmer	Van Buren	?	D
Patterson, William	1,2,4,8	Va.	43	Farmer	Lee Co.	1837	D
Porter, Asbury B.	1,3,4	Ky.	36	Farmer	Henry	1835	W
Price, Calvin J.	1	N.C.	43	Farmer	Lee Co.	1837	D
Quinton, Richard	4	Ky.	38	Farmer	Keokuk	1839	D
Rich, Alfred	2	Ky.	33	Lawyer	Ft. Madison	1836	W
Ripley, John	8	Pa.	52	Farmer	DesMoines	1838	D
Robb, Hamilton	6	?	?	?	Henry	?	W
Roberts, Robert G.	1	Pa.	48	Farmer	Johnson, Cedar, Jones, Linn	1836	W
Robertson, Joseph M.	2,3,4,5,7,8	Va.	38	Farmer	Scott, Clinton	1836	W
Rogers, Thomas	5,6	N.Y.	36	Lawyer	Dubuque, Deleware, Clayton	1839	D

Table B (continued)

Ross, William R.	2	Ky.	40	Merchant	Burlington	1833	W
Sales, David J.	5	?	?	?	DesMoines	1839	D
Shelledy, Stephen B.	7,8	Ky.	43	Farmer	Keokuk	1840	W
Smead, Simon	4	?	?	?	Henry	?	W
Smythe, Robert	6	Ireland	30	Lawyer	Linn,Cedar, Jones	1841	D
Snyder, Joseph K.	7,8	?	?	Merchant	Linn,Cedar, Jones	?	D
Steele, William	3,5,6	Ohio	36	Merchant	Van Buren	1836	D
Stewart, Charles	7	?	?	?	Lee Co.	?	W
Summers, Laurel	1,2,3	Ky.	30	Farmer	Scott, Clinton	?	D
Swan, Chauncey	1	N.Y.	45	Miner	Jackson, Dubuque, Clayton	?	D
Swearingen, Samuel	5	?	?	?	Van Buren	?	D
Taylor, Hawkins	1	Ky.	33	Farmer	Lee Co.	1836	W
Taylor, John	7,8	N.H.	35	Farmer	Jones Co.	1840	W
Teeple, Simon P.	3	N.Y.	?	Farmer	Washington	?	D
Temple, George	1	N.H.	40	Tailor	DesMoines	1837	D

Table B (continued)

Thompson, William	6	Pa.	31	Lawyer	Henry	1839	D
Thornton, Levi	1	Pa.	48	Farmer	Muscatine, Louisa, Slaughter	?	D
Thornton, Err	5	Pa.	37	Lawyer	Muscatine	1834	W
Toole, William L.	1,3,4	Va.	40	Farmer	Muscatine, Louisa, Slaughter	1837	W
Van Antwerp, Harmon	3	N.Y.	?	Farmer	Cedar, Jones, Linn	?	D
Wallace, William H.	1	Ohio	33	Lawyer	Henry	1837	W
Walworth, George H.	2,3,5,6	N.H.	?	Miller & Farmer	Cedar, Jones, Linn	?	W
Weld, Oliver	4	?	?	?	Van Buren	?	D
Wheeler, Loring	2	N.H.	45	Lawyer	Clayton, Dubuque	1834	W
Whitaker, John M.	3,4	Ohio	43	Farmer	Van Buren	1836	D
Wilson, Alex A.	3	Pa.	?	Farmer	Fairfield	?	W
Wilson, David S.	7,8	Ohio	50	Lawyer	Dubuque, Deleware, Clayton	1839	D
Wilson, Paton	3,4,5,6	N.Y.	50	Farmer	Salem	?	W

Table B (continued)

Woodworth, S. D.	7,8	?	?	?	Henry	?	W
Wray, James M.	6	Tenn.	44	Lawyer	Davis	1836	D
Wright, John D.	6,8	Vt.	37	Farmer	DesMoines	1838	D?

Table C

IOWA TERRITORIAL COUNCILLORS WHO HAD
SERVED IN WISCONSIN TERRITORIAL POLITICAL POSITIONS

<u>Name</u>	<u>Session(s) Served In Iowa Council</u>	<u>Position Held In Wisconsin Territory</u>	<u>County Served</u>	<u>Date of Commission In Wisconsin</u>
Bailey, G. S.	3,4	No position - Signer of Petition to Congress	Van Buren	
Brattain, Paul	7,8	Justice of the Peace Justice of the Peace	Van Buren Henry	12/9/36 1/15/38
Brierly, James	7,8	Justice of the Peace	Lee	8/28/37
Coop, W. G.	3,4,7,8	Justice of the Peace	Henry	1/15/38
Gehon, Francis	5,6	Marshall		8/16/36
Hastings, Serranus	3,4,7,8	District Attorney	Louisa	1/3/38
Jenkins, James H.	5,6	Justice of the Peace	Iowa	2/21/39
Johnston, Edward	3,4	Brig. Judge Advocate		10/16/37
Kirkpatrick, Joseph S.	3,4	Justice of the Peace	Jackson	1/10/38
Leffler, Shepherd	4,5,6,7,8	District Attorney	DesMoines	12/9/36
Lewis, Warner	1,2	Justice of the Peace Notary Public	Dubuque Dubuque	7/8/36
Parker, Jonathan	1,2,3,4	Justice of the Peace	Dubuque	3/6/37

Table D

IOWA TERRITORIAL REPRESENTATIVES WHO HAD
SERVED IN WISCONSIN TERRITORIAL POLITICAL POSITIONS

<u>Name</u>	<u>Session(s) Served In Iowa House</u>	<u>Position Held In Wisconsin Territory</u>	<u>County Served</u>	<u>Date of Commission In Wisconsin</u>
Avery, Robert	3	District Surveyor	DesMoines	12/9/36
Beeler, George H.	1	Justice of the Peace	DesMoines	12/8/36
Blair, Thomas	1	<u>House of Rep.</u>		
Brierly, James	1,3,5,6	Justice of the Peace	Lee	8/28/37
Brophy, John	6	Lt., Dist. Militia		
Burchard, J.A., Jr.	1	Justice of the Peace	Scott	1/3/38
Clark, Timothy T.	2	Lt. - Militia		4/17/37
Coop, William G.	1,2	Justice of the Peace	Henry	1/15/38
Denson, Thomas	4	Lt. - 1st Reg.		6/1/37
Foley, John	6	<u>Territorial Council</u>		1836
Gaines, James W.	1,6	Justice of the Peace	DesMoines	1/15/38
Hall, James	1,2	Lt. Col. - Militia		6/22/38
Hastings, Serranus	1,2	District Attorney	Louisa	1/3/38
Hendershott, David	3	Justice of the Peace	DesMoines	11/14/37
Hepner, George	4,5	Major - Militia		4/7/30

Table D (continued)

Isett, Thomas M.	3	District Surveyor	Muscatine	8/12/37
Johnson, John	6,7	Justice of the Peace	Brown	1/10/40
Johnston, Edward	2	Militia Brigade Judge Advocate		10/16/37
Leffler, Isaac	4	<u>House of Rep.</u>		
Leffler, Shepherd	2,3	District Attorney	DesMoines	12/9/36
Lewis, Warner	4	Justice of the Peace Notary Public	Dubuque	7/8/36
Mason, Timothy	3	Justice of the Peace	Dubuque	11/9/36
Mitchell, Gilbert	6	Master in Chancery	Dubuque	2/15/36
Moss, James K.	4	Judge of Probate	Jackson	1/10/38
Nowlin, Hardin	1,6	<u>House of Rep.</u>		
Owen, Joshua	2	Sheriff	Lee	12/9/36
Roberts, Robert G.	1	Justice of the Peace	Dubuque	12/2/36
Ross, William R.	2	Justice of the Peace	DesMoines	7/8/36
Thornton, Ern	5	Justice of the Peace	Muscatine	12/9/36
Wheeler, Loring	2	<u>House of Rep.</u>		1836
Whitaker, John M.	3,4	Justice of the Peace	Van Buren	1/15/38
Wright, John D.	6,8	Justice of the Peace	DesMoines	1/15/38